

# “If the Union Wins, We Won’t Have Anything Left”:

## The Rise and Fall of the Southern Cherokees of Kansas

by Gary L. Cheatham

**L**ittle has been written about the Cherokees of Kansas and their settlement of the Cherokee Neutral Lands and Chetopa, Kansas, area. Contrary to the reports of some historians, a viable population of Cherokees lived on the Neutral Lands and other tribal members lived in the Chetopa area more than twenty years before statehood.<sup>1</sup> Most of these American Indians came west as part of the “removed” southeastern United States tribes, comprised of Cherokees, Chickasaws, Choctaws, and Creeks. Thus, although the Cherokees were hardly the only eastern tribe to arrive in Kansas prior to statehood, their unique place in the early history of the state was largely forgotten after their departure, a process that began during the Civil War, and ended with the tribe’s postwar loss of its Kansas lands.

Between 1825 and 1841 more than ten thousand Native Americans from more than a dozen northeastern tribes, such as the Shawnees, Delawares, and Sacs and Foxes, were relocated to that part of Indian territory destined to become Kansas. The Osages had

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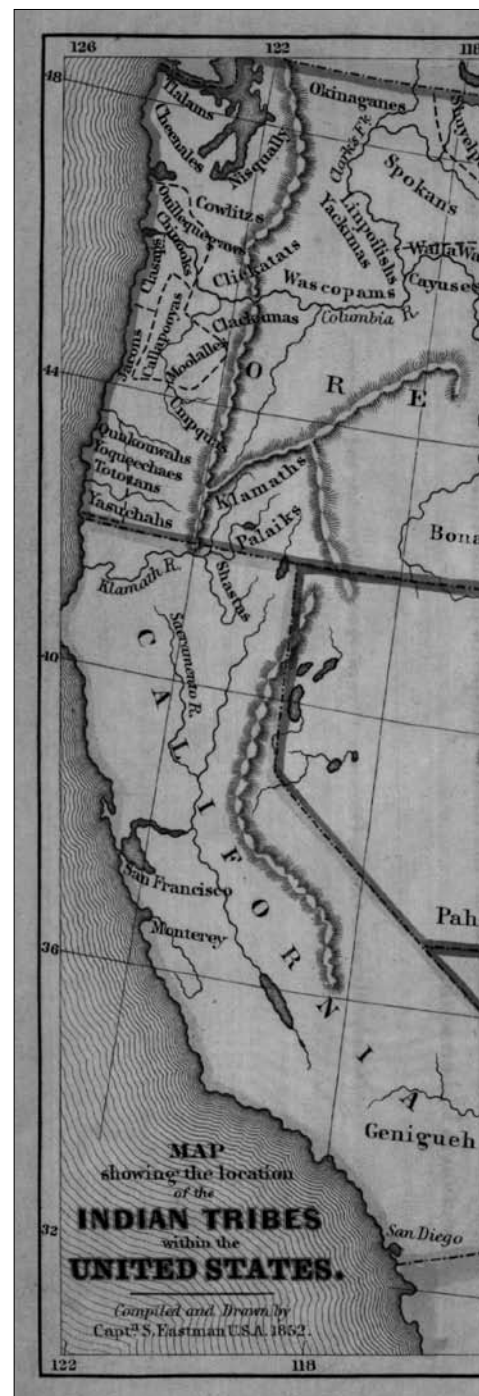
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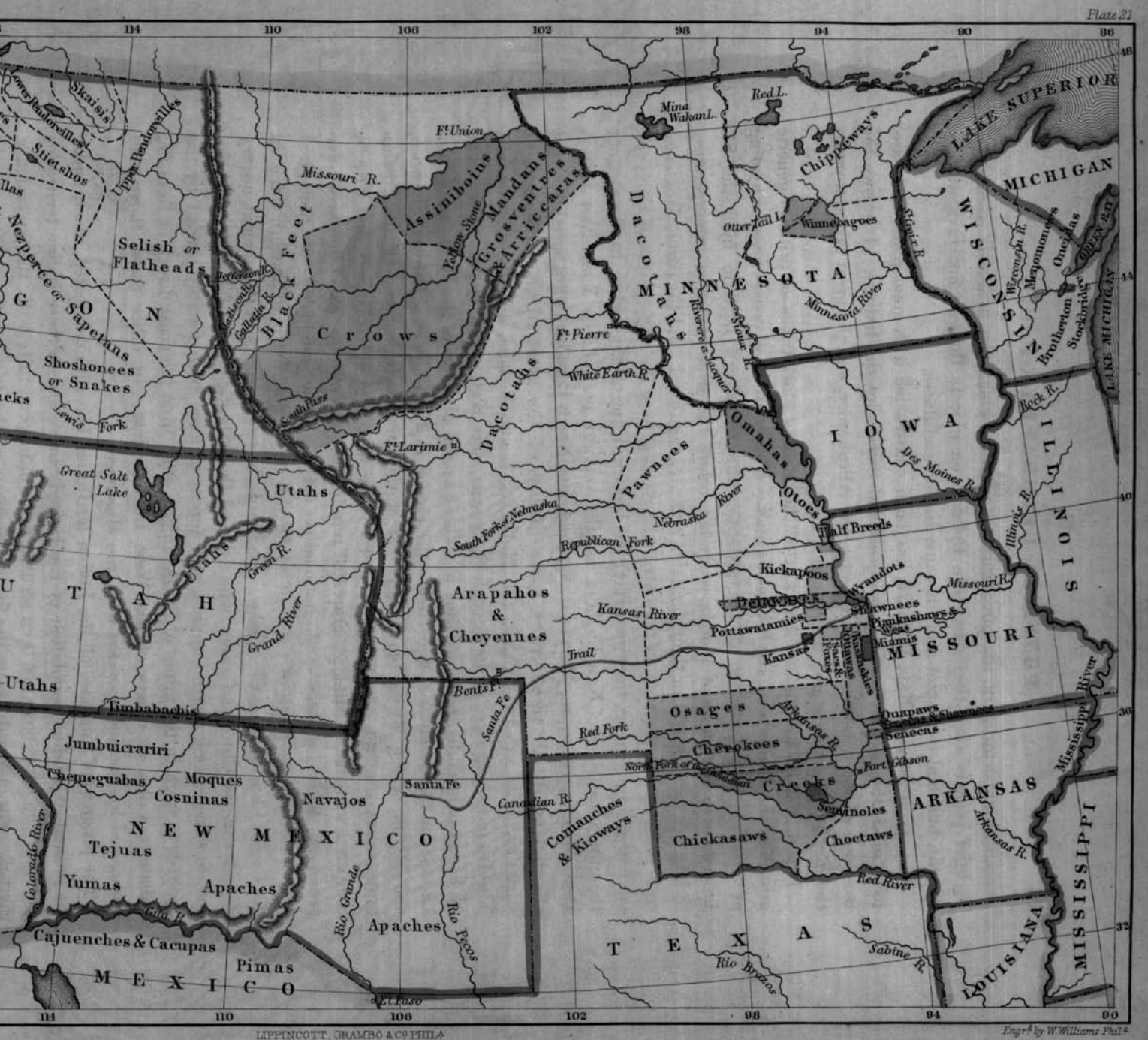
The author would like to thank Vickie Sheffler, NSU Archivist, for providing research assistance with the major Cherokee census rolls.

1. The Cherokee Neutral Lands have been a topic of interest to historians since the late nineteenth century, but most writers have focused on white settlement, railroad interests, and the political integration of the area. Eugene F. Ware offered the first overview of its history, focusing on the postwar political struggle that completed the transfer of the Neutral Lands to the state and railroads; twentieth-century historians continued this approach. Eugene F. Ware, “The Neutral Lands,” *Kansas Historical Collections*, 1897–1900 6 (1900): 147–69; Craig Miner, “Border Frontier: The Missouri River, Fort Scott & Gulf Railroad in the Cherokee Neutral Lands, 1868–1870,” *Kansas Historical Quarterly* 35 (Summer 1969): 105–29; Lula Lemmon Brown, *The Cherokee Neutral Lands Controversy* (Girard, Kans.: The Girard Press, 1931); William G. McLoughlin, *After the Trail of Tears: The Cherokees’ Struggle for Sovereignty, 1839–1880* (Chapel Hill: University of North Carolina Press, 1993), 64; William Frank Zornow, *Kansas: A History of the Jayhawk State* (Norman: University of Oklahoma Press, 1957), 50; Craig Miner, *Kansas: The History of the Sunflower State, 1854–2000* (Lawrence: University Press of Kansas, 2002), 109; James W. Parins, *Elias Cornelius Boudinot: A Life on the Cherokee Border* (Lincoln: University of Nebraska Press, 2006), 153.

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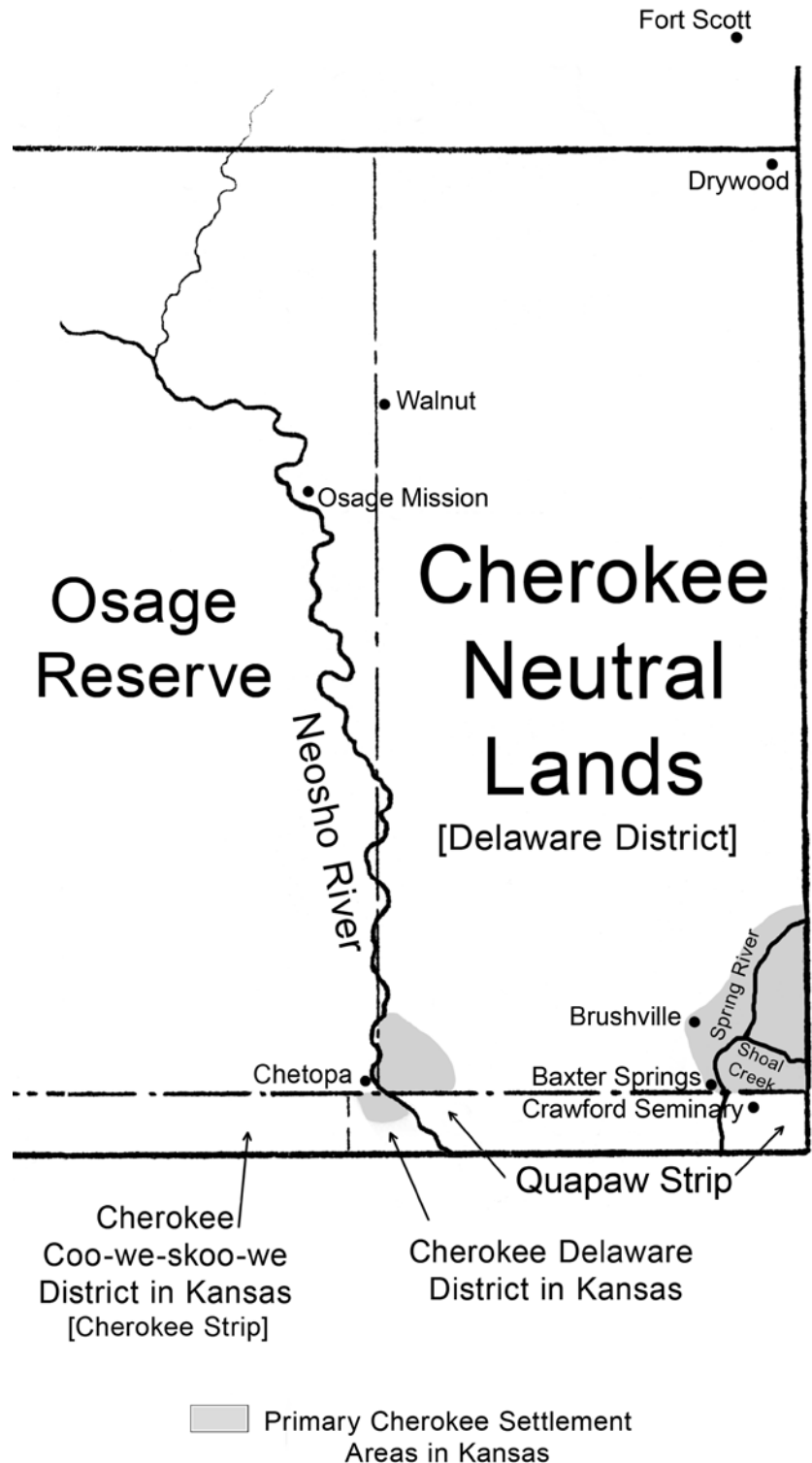


This map, compiled and drawn by Captain S. Eastman in 1852, shows the location of Indian Tribes throughout the western United States. It marks the location of the Cherokee who lived on the Neutral Lands in the years leading up to Kansas statehood. Map courtesy of Wichita State University Libraries, Department of Special Collections.

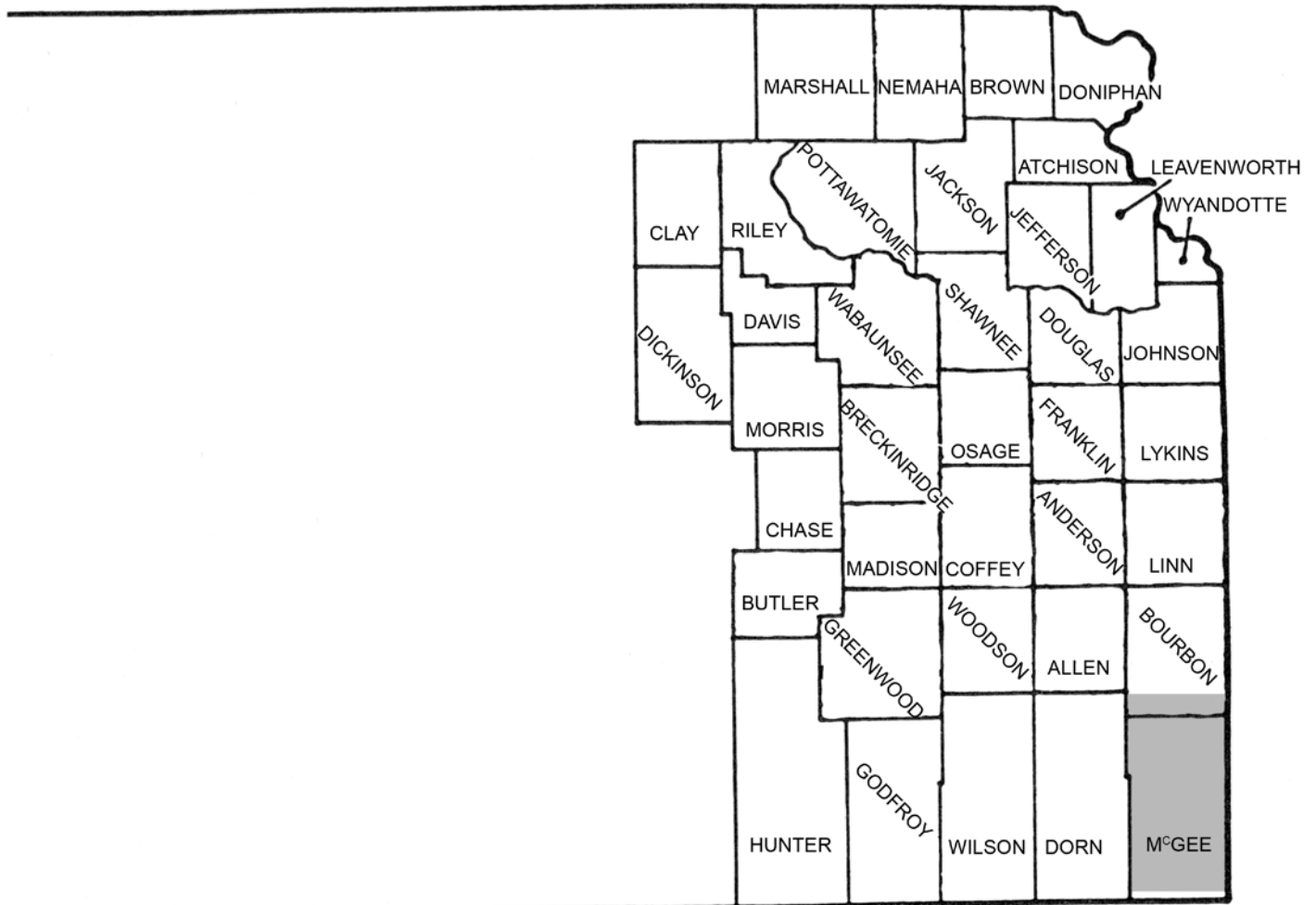
also moved west during the early nineteenth century from Missouri and Arkansas to an area that later became part of southeastern Kansas. Among the various tribes that came to occupy the region, whites regarded the Cherokees, Shawnees, and other eastern tribes as more “civilized” than the semi-nomadic tribes of the area, such as the Osages and the Plains tribes to the west.<sup>2</sup> By 1861, when Kansas entered the Union as the thirty-fourth state, the Cherokee Nation comprised nine political and judicial districts in Indian Territory and Kansas. Each district, two of which were in Kansas, sent elected representatives to the National Committee and the National Council, which made up the Cherokees’ National Convention. The National Committee contained eighteen members; the National Council had twenty-seven. In addition to the members of the National Convention, the citizenry elected a principal chief and other officials. Thus, as a semi-autonomous nation, the Cherokees had the authority to pass and enforce laws governing affairs within the tribe and relations with the United States. Under treaty with the United States, the Cherokee Nation’s governing body had a level of autonomy and sovereignty under the protection of the federal government. In this context, the formation of tribal lands in what became Kansas was established by treaty in 1835. Although most of the Nation existed in northeastern Indian Territory, four named areas in the north were included within the territory of Kansas when it was created in 1854.<sup>3</sup>

2. Robin L. Einhorn, *American Taxation, American Slavery* (Chicago: University of Chicago Press, 2006), 212–13; H. Craig Miner and William E. Unrau, *The End of Indian Kansas: A Study of Cultural Revolution, 1854–1871* (Lawrence: Regents Press of Kansas, 1978), 5; Joseph B. Herring, *The Enduring Indians of Kansas: A Century and a Half of Acculturation* (Lawrence: University Press of Kansas, 1990), 1; John Joseph Mathews, *The Osages: Children of the Middle Waters* (Norman: University of Oklahoma Press, 1961), 622–23; G. Raymond Gaeddert, *The Birth of Kansas* (Lawrence: University of Kansas, 1940), 21; Albert Castel, *A Frontier State at War: Kansas, 1861–1865* (Westport, Conn.: Greenwood Press, 1979), 8.

3. Cherokee Nation (hereafter cited as “C.N.”), *The Constitution and Laws of the Cherokee Nation: Passed at Tah-Le-Quah, Cherokee Nation, 1839* (Washington, D.C.: Gales and Seaton, 1840), 6; Russell Thornton, *The Cherokees: A Population History* (Lincoln: University of Nebraska Press, 1990), 80; Francis Paul Prucha, *American Indian Treaties: The History of a*



Encompassing a large area that became McGee and Bourbon counties in Kansas Territory (present Cherokee, Crawford, and southern Bourbon counties), the Neutral Lands ran the east-west width of these counties and extended north from the Quapaw Strip to approximately five miles south of Fort Scott. The map above is courtesy of Gary Cheatham and Kevin Hart; opposite, courtesy of Cheatham, Hart, and Calvin Keeton.



Cherokee Neutral Lands

COUNTIES SHOWN ON MAP ABOVE

## Kansas territorial counties in 1859

The first and largest section of tribal land in Kansas was known as the Neutral Lands, and alternately as the

*Political Anomaly* (Berkeley: University of California Press, 1994), 157; Morris L. Wardell, *A Political History of the Cherokee Nation, 1838–1907* (Norman: University of Oklahoma Press, 1938), 29.

800,000 acres. This area was first ceded by the Osage tribe to the U.S. government in 1825 and then transferred to the Cherokees in 1835. As reported by the *Cherokee Advocate*, "It is called 'Neutral Lands' because it was not Government land, neither was it an Indian reservation, but belonged to the Cherokee Nation by a fee simple title." Encompassing

a large area that became McGee and Bourbon counties in Kansas Territory (present Cherokee, Crawford, and southern Bourbon counties), the Neutral Lands ran the east-west width of these counties and extended north from the Quapaw Strip to approximately five miles south of Fort Scott. The Quapaw Strip, which was the northern extension of the Quapaw reserve in Indian Territory, ran the east-west length of present southern Cherokee County from the Missouri border west to the Neosho River, reaching one and one-half miles into that county. The Neutral Lands were also bordered on the west by the Osage Reserve, on the east by the state of Missouri, and on the north by the New York Indian Lands.<sup>4</sup>

Much of the Cherokee Neutral Land's brief thirty-one year history was shaped by controversy and strife. Initially given to the Cherokees, at least in part to enhance their previous western cessions, all 800,000 acres were not immediately integrated into the governing life of the Cherokee Nation. One of the earliest attempted uses of the Neutral Lands occurred in 1846, when the Nation considered, and then rejected, a proposal to sell the area to the United States in order to raise much needed capital. Instead the Nation appended the lands to the Delaware District. A few years later, the need for capital again caused tribal authorities to contemplate a possible sale, and two additional proposed sales of the 800,000 acres occurred in 1851 and 1854. The U.S. government rejected the 1851 proposal, and the 1854 offer languished and failed during negotiations with federal authorities. After the Neutral Lands were included in the territory of Kansas, however, tribal authorities began to view the area as more of an integral part of the Cherokee Nation, and by 1859 they were calling upon federal authorities to respect tribal sovereignty and remove white squatters.<sup>5</sup>

4. The U.S. government established the New York Indian Lands in present Kansas for the "several tribes of New York Indians" in 1838, but only two to three hundred of the thousands of Indians for which the land was set aside were living there in the 1840s. Neglected by the government, these New York Indians eventually relocated to the Delaware reservation in northeastern Kansas. See Charles C. Royce, comp., *Indian Land Cessions in the United States* (Washington, D.C.: Government Printing Office, 1900), 768–71; U.S. House, *Memorial of the Delaware Indians*, 57th Cong., 1st sess., May 8, 1902, Doc. 349, 5; Paul Wallace Gates, *Fifty Million Acres: Conflicts over Kansas Land Policy, 1854–1890* (Ithaca, N.Y.: Cornell University Press, 1954), 32.

5. Kenneth S. Murchison, *Digest of Decisions Relating to Indian Affairs* (Washington, D.C.: Government Printing Office, 1901), 1:359, 491; C.N., *Reply of the Delegates of the Cherokee Nation to the Demands of the Commissioner of Indian Affairs, May 1866* (Washington, D.C.: Gibson Brothers Printers,

A second piece of tribal land in Kansas was part of the original Delaware District. Created in 1840, the northern end of the original Delaware District touched the southwestern corner of the Neutral Lands, and extended northward nearly two and one-half miles into southeastern Dorn County (present Labette County) to the Osage Reserve boundary line. The precise width of this portion of the district is difficult to determine, but the Kansas portion was at least two to three miles wide.<sup>6</sup>

A third section of Cherokee land in Kansas was the extreme northern portion of the Coo-We-Skoo-We District. It bordered the western Delaware District, protruded two and one-half miles into Kansas, and ran the east-west length of Dorn and Wilson counties (present Labette and Montgomery counties). The Coo-We-Skoo-We District was carved out of the western Cherokee Nation in 1856, and the district's northeastern corner was a short distance west of Chetopa.<sup>7</sup>

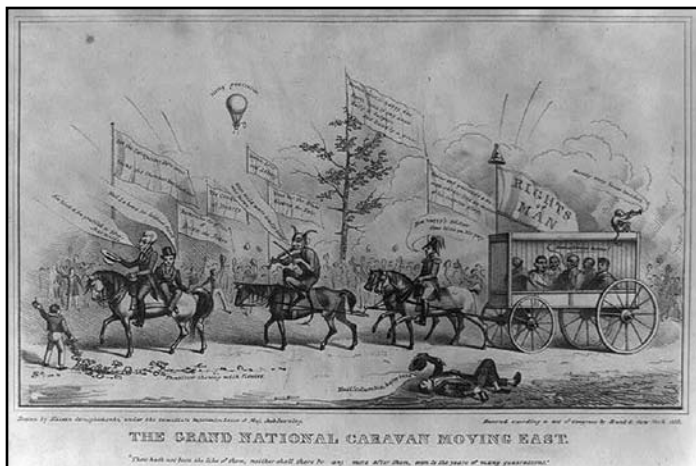
A fourth section of Cherokee tribal land in the state included part of the Cherokee Outlet, which was established by the treaties of 1828, 1833, and 1835. This section was "a perpetual outlet west" from the Nation's western border. Although most of the Outlet existed in Indian Territory, the extreme northern portion alternately extended two and one-quarter to two and three-quarters miles into southern Kansas and ran the length of the southern border of the state from the Coo-We-Skoo-We District west to at least the hundredth meridian. Following the Civil War, the Kansas portion of the Outlet was called the "Cherokee Strip" and extended west from the Neosho River.<sup>8</sup>

1866), 6; *Cherokee Advocate* (Tahlequah, C.N.), April 18, 1874; *Girard* (Kans.) Press, November 6, 1873; C.N., "The Act to Organize the Nation into Eight Districts and for Holding Elections" (Delaware District) and "An Act Annexing a Tract Called 800,000 Acres of Land to Delaware [sic] District" in *The Constitution and Laws of the Cherokee Nation: Passed at Tahlequah, Cherokee Nation, 1839–51* (Tahlequah, C.N.: Cherokee Advocate Office, 1852), 41, 149; Laurence F. Schmeckebier, *The Office of Indian Affairs: Its History, Activities and Organization* (Baltimore: Johns Hopkins Press, 1927), 96.

6. National Council, comp., "An Act to Organize the Nation into Eight Districts, and Establishing Precincts of Elections" (Delaware District), in *Laws of the Cherokee Nation, Passed During the Years 1839–1867* (St. Louis: Missouri Democrat Print, 1868), 71–72; National Council, comp., "An Act to Alter the Line Between Saline and Delaware Districts," in *Laws of the Cherokee Nation*, 74; C. C. Royce, *Map Showing the Territory Originally Assigned to the Cherokee "Nation" of Indians West of the Mississippi, Also the Boundaries of the Territory Now Occupied or Owned by Them* (n.p.: Smithsonian Institution, Bureau of Ethnology, 1884).

7. National Council, comp., "An Act Organizing Coo-We-Skoo-We District," in *Laws of the Cherokee Nation*, 73.

8. George Rainey, *The Cherokee Strip* (Guthrie, Okla.: Co-Operative Publishing Co., 1933), 37; C.N., *Reply of the Delegates of the Cherokee Nation*,



The roots of Cherokee settlement on the tribal lands in Kansas can be traced to the late eighteenth and early nineteenth centuries, when land-hungry white settlers and government officials besieged the tribe's traditional homeland in southern Appalachia. This political cartoon, penned in 1833, satirizes various aspects of Andrew Jackson's administration, including his Indian resettlement plan in which thousands of Cherokee (amongst other tribes) were uprooted from their eastern homelands and moved west. An Indian—caged with his fellows in a wagon at the back of the procession—sings "Home! Sweet Home!" upon his return from the West as part of a victory tour Jackson made of eastern states after his 1832 election. Cartoon courtesy of the Library of Congress, Prints & Photographs Division, Washington, D.C.

The roots of Cherokee settlement on the tribal lands in Kansas can be traced to the late eighteenth and early nineteenth centuries, when land-hungry white settlers and government officials besieged the tribe's traditional homeland in southern Appalachia. At the same time, the tribe's beleaguered political and societal structures were stressed by the acceptance of many white traditions. To escape these pressures, beginning as early as the 1790s, a few Cherokees began voluntarily moving west. A treaty signed in 1817 gave the tribe a new western homeland in the Ozark mountain region of northern Arkansas in exchange for cessions made by the Nation in the East—more than one thousand Cherokees had moved there by 1819. In 1818 and 1819 another breakaway group of several hundred tribal members relocated to northeastern Mexico (present northeast Texas). By treaty in 1822 the Mexican government allowed the Texas Cherokees to live in relative peace until the Republic

6; U.S. Congress, *Report of the Secretary of the Interior, Being Part of the Message and Documents Communicated to the Two Houses of Congress at the Beginning of the Second Session of the Forty-Fourth Congress*, vol. 1, 44th Cong., 2nd sess., 1876, Ex. Doc. 1, Part 5, 22.

of Texas declared its independence in 1835. By 1839 white Texans had successfully deported across the Red River into Indian Territory the last of the Texas Cherokees, who had sided with Mexico in the conflict.

While Texas Cherokees lived under Mexican rule, additional groups of southeastern tribal members moved to northern Arkansas. Increased white settlement in Arkansas, however, threatened the tribe's hold on this area. In 1828 this resulted in another treaty, which forced the Indians in Arkansas to again move west, this time to the area that would become northeastern Oklahoma. Meanwhile, the bulk of the Cherokees, still on their southeastern homeland, were experiencing increasing pressures from federal and state governments, white settlers, and gold prospectors, and in 1835 President Andrew Jackson's administration succeeded in getting the tribe's leadership to sign the Treaty of New Echota, which resulted in the western exile of most remaining eastern Cherokees. Known as the Trail of Tears, this removal was the largest and most well-known westward movement of Cherokees.<sup>9</sup>

Although most tribal members eventually settled in present northeastern Oklahoma, some ventured into the far northern reaches of the Cherokee Nation, settling in present southern Cherokee and Labette counties. A primary reason for residing there appears to have been that the Spring River-Shoal Creek and Neosho River valleys in this portion of the Nation were ideally suited for farming, raising cattle, and home building. Evidence of this can be found in four accounts written during the 1850s. One, originally published in the *Kansas Free State* and reprinted by the *Herald of Freedom* in 1857, described the story of a traveler who visited the southeastern Neutral Lands, including the "mansion" belonging to the Rogers family at the junction of Spring River and Shoal Creek. The article reported that the region's rich soil, ample water sources, and abundance of

9. Thornton, *The Cherokees*, 60–62; Charles J. Kappler, ed., *Indian Treaties, 1778–1883* (New York: Interland Publishing Inc., 1972), 288–92; Dianna Everett, *The Texas Cherokees: A People Between Two Fires, 1819–1840* (Norman: University of Oklahoma Press, 1990), 9; Gary Clayton Anderson, *The Conquest of Texas: Ethnic Cleansing in the Promised Land, 1820–1875* (Norman: University of Oklahoma Press, 2005), 177–78; Duane H. King, ed., *The Cherokee Indian Nation: A Troubled History* (Knoxville: University of Tennessee Press, 1979), 130; Joan Gilbert, *The Trail of Tears Across Missouri* (Columbia: University of Missouri Press, 1996), 18–19, 21, 28; Gaston L. Litton, "The Principal Chiefs of the Cherokee Nation," *Chronicles of Oklahoma* 15 (September 1937): 256; Albert Woldert, "The Last of the Cherokees in Texas, and the Life and Death of Chief Bowles," *Chronicles of Oklahoma* 1 (June 1923): 181–82.



"wild rye and other grasses" that supported cattle grazing attracted the Cherokees and whites who had intermarried with them. Also, Hugh Campbell, an astronomer accompanying a U.S. government team that was surveying the southern boundary of Kansas in 1857, wrote in his journal that the soil in the vicinity of Spring River and present Baxter Springs was very fertile, describing the grasses as luxuriant. In two additional accounts, Joseph E. Johnston, the military commander of the 1857 survey expedition, and Eugene Bandel, a soldier under Johnston's command, gave similar descriptions of the Spring River and Neosho River valleys as possessing fertile soil, rich grazing pastures, and plentiful timber.<sup>10</sup>

The first tribal members arrived in Kansas in the late 1830s and early 1840s. They settled in the Spring River-Shoal Creek vicinity and along both sides of the Neosho River near present Chetopa. These early settlers were native southerners and most were of mixed Cherokee-white ancestry. Since some historians have claimed that Cherokees never occupied the Neutral Lands, it may be useful to identify the names and origins of some of these families. The earliest Spring River-Shoal Creek settlers included David M. and Lucinda (Tucker) Harlan, John and Dianna (Foster) Rogers, Dennis and Isabell (Fields) Wolf, and George and Sallie (Daniel) Fields, along with their nephew, Richard M. Fields. The Harlan, Rogers, and Wolf families came from the Old Settlers group, which had moved west before the Trail of Tears. Other Spring River-Shoal Creek settlers were relatives of Richard Fields, the late chief of the Texas Cherokees.<sup>11</sup> The first Neosho River-Chetopa area

Cherokees were mostly families that had walked the Trail of Tears. Also arriving in the late 1830s and early 1840s, the first of these settlers included William and Nancy (Fields) Blythe, Daniel and Elizabeth (Hair) Hopkins, Fincher and Mary (Shields) Monroe, John and Lucinda (nee unknown) Tucker, and widow Tianna Rogers.<sup>12</sup>

In the late 1840s, the Cherokees living in the Neosho River valley welcomed the arrival of three brothers named Albert, Ambrose, and Larkin McGhee. The McGhee brothers, who were natives of Georgia, became members of the Cherokee Nation by marriage. Serving as a government-contract teamster on the Trail of Tears, Ambrose was the first brother to see the western Cherokee Nation, but Larkin was the first to move there. In 1842 the McGhee brothers built a home in the Cherokee Nation near Honey Creek, in order to maintain a trading post at nearby Southwest City, Missouri. In 1847 they built a second home on Town Creek, just south of present Chetopa in the Delaware District, not far from a second McGhee trading post built on the Osage Reserve. Both house sites were carefully chosen in order to fulfill the residency requirement necessary to maintain their Cherokee tribal citizenship and to allow the brothers to alternate between the two homes as they operated the family trading posts. In 1848 Larkin married Sarah Rogers, daughter of Tianna Rogers, and following Sarah's death in 1859, Larkin made the Town Creek house in Kansas his exclusive residence.<sup>13</sup>

558; William G. Cutler and Alfred T. Andreas, *History of the State of Kansas* (Chicago: A. T. Andreas, 1883), 1151. The name of Harlan was sometimes spelled Harlin or Harland.

12. Nelson Case, *History of Labette County, Kansas, From the First Settlement to the Close of 1892* (Topeka, Kans.: Crane & Company Publishers, 1893), 25; Sixkiller interview, *Indian-Pioneer History Collection*, Addenda:47; "Articles [of] Agreement Between Wm. Blythe and Chrispon Hurst," *Cherokee Nation Papers* (Norman: Western History Collections, University of Oklahoma Libraries, 1994), 46:6546, 6550-51; Starr, *History of the Cherokee Indians*, 308, 352, 383; Stan Hoig, "Diana, Tiana or Talihina?: The Myth and Mystery of Sam Houston's Cherokee Wife," *Chronicles of Oklahoma* 64 (Spring 1986): 58; C.N., "Memorandum of the Property of the Estate of William Blythe, Sen., De'cd," *Cherokee Nation Papers*, 45:6428; "Miriam M. Ballard," application 2388, M1104, roll 26, Eastern Cherokee Applications; "Wiley J. Melton," application 6708, M1104, roll 69, Eastern Cherokee Applications; "Thomas J. Monroe," card 136, M1186, roll 452, Enrollment Cards of the Five Civilized Tribes, 1898-1914, National Archives, Washington, D.C.

13. "Cherokee Detachment Payrolls, 1839-1842," John Ross Papers, Gilcrease Museum, Tulsa, Oklahoma; Cutler and Andreas, *History of the State of Kansas*, 1151, 1454; Daniel J. Holder and Hal K. Rothman, *The Post on the Marmaton: A Historic Resource Study of Fort Scott National Historic Site* (Omaha, Nebr.: U.S. Dept. of the Interior, National Park Service, Midwest Regional Office, 2001), 30; Case, *History of Labette County*, 25, 27, 29; Roy McGhee, questionnaire, June 7, 1937, in *Indian-Pioneer History Collection*, 76:121-22.

10. *Herald of Freedom* (Lawrence, Kans.), October 3, 1857; Martha B. Caldwell, ed., "The Southern Kansas Boundary Survey: From the Journal of Hugh Campbell, Astronomical Computer," *Kansas Historical Quarterly* 6 (November 1937): 347; U.S. House, *Southern Boundary Line of Kansas. Letter from the Secretary of War Transmitting the Report of Colonel Johnston's Survey of the Southern Boundary Line of Kansas*, 35th Cong., 1st sess., April 16, 1858, Ex. Doc. 103, 2; Eugene Bandel, "Surveying the Southern Boundary of Kansas," in *Frontier Life in the Army, 1854-1861*, ed. Ralph P. Bieber (Glendale, Calif.: Arthur H. Clark Co., 1932), 138, 142.

11. Emma J. Sixkiller, interview by Nannie Lee Burns, June 29, 1937, and Tennessee James, interview by Nannie Lee Burns, May 17, 1937, in *Indian-Pioneer History Collection*, ed. Grant Foreman (Oklahoma City: Oklahoma Historical Society, 1981), Addenda: 47; 5:407; "Delbert Harlin," application 23134, M1104, roll 196, Eastern Cherokee Applications of the U.S. Court of Claims, 1906-1909 (hereafter cited as "Eastern Cherokee Applications"), National Archives, Washington, D.C.; "David L. Harlan," application 2051, M1104, roll 23, Eastern Cherokee Applications; "Albert V. McGhee," application 5868, M1104, roll 60, Eastern Cherokee Applications; Nathaniel Thompson Allison, ed., *History of Cherokee County, Kansas, and Representative Citizens* (Chicago: Biographical Publishing Co., 1904), 28, 34-35, 38; Emmet Starr, *History of the Cherokee Indians and Their Legends and Folk Lore* (Oklahoma City: Warden Co., 1921), 306, 308-9, 321,

From the time the McGhee brothers built their second home on Town Creek in 1847 to Larkin McGhee's move there in 1859, the Cherokee population in Kansas was on the rise, due to childbirths, additional tribal immigration, and intermarriages with whites. Intermarriages between Cherokees and Osages also added to the Neutral Lands' population. Any attempt to formulate a count of the Cherokees in Kansas at this time is difficult considering that extant records are sparse. Some records, however, can be procured for use in constructing a partial count. The earliest official enumeration of tribal members in the Kansas area occurred in 1851, when John Drennen, the superintendent of the Southern Superintendency of Indian Affairs, administered a census of the entire Cherokee Nation. By matching Drennen's enumeration of tribal members living in the far northern Cherokee Nation with local histories and period records, it becomes clear that at least 140 individuals, comprising more than forty Cherokee households, existed on tribal lands in the area that would become Kansas.<sup>14</sup>

Three years later, in November 1854, thirty-one Cherokee citizens or heads of household living on the Neutral Lands petitioned George Mannypenny, commissioner of Indian affairs. They wished to become U.S. citizens so that they would be permitted to remain on the Neutral Lands if a proposed sale of the area to the federal government was approved. In December 1854 Cherokee agent George Butler sent a letter to Mannypenny stating that the number of Cherokees requesting U.S. citizenship had risen to thirty-five.<sup>15</sup>

The 1860 U.S. census also provides information that can be used to construct a partial Cherokee population

count in Kansas Territory. When using the census for this purpose, it is important to keep in mind that enumerators typically counted only white residents on Indian lands, and only a few members of the Cherokee Nation were recorded. This is particularly significant when considering that most Chetopa area settlers were mixed-blood, not white. It is also important to point out that some Cherokees and whites living just north of the border between Kansas and Indian territories believed that they were in Indian Territory, not Kansas. For example, in an interview with James R. Carseloway, Peggy Ann Ewers revealed how some of her Cherokee family members and neighbors suffered through the war while "living in Southern Kansas, then a part of the Indian Territory." Although no portion of southern Kansas was part of Indian Territory, some Indians incorrectly believed that their tribal lands in Kansas did not become part of the state until the Cherokee Nation ceded the land after the war. In addition, census enumerators do not appear to have been familiar with the precise location of the border between Kansas and Indian Territory. For example, Larkin McGhee's house is one of at least twelve Kansas Cherokee homes near Chetopa that was incorrectly enumerated as being in Delaware District, Indian Territory, rather than in the Kansas portion of the Delaware District that was located in McGee and Dorn counties. On the other hand, some nearby settlers, such as George Ewers, were correctly recorded as living in Kansas.<sup>16</sup>

Based on the 1860 census, Indian Affairs records, and local histories and reminiscences, at least sixty-four Cherokee households can be identified on the Neutral Lands and in the Chetopa vicinity between the 1830s and the Civil War (see Table One).<sup>17</sup> The lack of comprehensive records, how-

14. *Drennen Roll of 1852: Citizens of the Cherokee Nation*, Delaware District, M7RA1, Federal Archives and Records Center, Fort Worth, Tex. (hereafter cited as "Drennen Roll of 1852"); U.S. Office of Indian Affairs, *Annual Report of the Commissioner of Indian Affairs, Transmitted with the Message of the President at the Opening of the Second Session of the Thirty-Second Congress, 1852* (Washington, D.C.: Gideon & Co., Printers, 1852), 14. Although the Drennen Roll is dated as 1852, the Cherokee national census was taken in 1851.

15. [Citizens of the Cherokee Nation Residing on the Neutral Lands] to George Mannypenny, November 24, 1854, Letters Received by the Office of Indian Affairs, 1824-1881, Cherokee Agency, 1836-1880, 1855, M234, roll 97, 48-49, National Archives, Washington, D.C.; George Butler to George Mannypenny, December 2, 1854, Letters Received by the Office of Indian Affairs, 1824-1881, Cherokee Agency, 1836-1880, 1855, M234, roll 97, 45-47; Louis F. Burns, *Osage Indian Bands and Clans* (Fallbrook, Calif.: Ciga Press, 1984), 23. Cherokees who were living on the Neutral Lands in the early 1850s are identified by comparing the names found on the Drennen Roll and 1854 petitions with other sources. See "David L. Harlan," application 2051, M1104, roll 23, Eastern Cherokee Applications; Louis F. Burns, *Osage Mission Baptisms, Marriages, and Intermarriages, 1820-1886* (Fallbrook, Calif.: Ciga Press, 1986), 217, 220, 263, 269, 276, 286, 328, 345, 366.

16. [Citizens and Settlers on the Cherokee Neutral Land and also that Portion of Cherokee Lands West of Neosho River that is in the Limits of Kansas] to A. B. Greenwood, December 19, 1859, Letters Received by the Office of Indian Affairs, 1824-1881, Cherokee Agency, 1836-1880, 1859-1864, M234, roll 99, 265-66; Peggy Ann (Ewers) Harlow, interview by James R. Carseloway, April 12, 1938, in *Indian-Pioneer History Collection*, 80:330; U.S. Bureau of the Census, *Eighth Census: Population, 1860*, Indian Lands (hereafter cited as "1860 Indian Lands Census"; Washington, D.C.: Government Printing Office, 1864), Delaware District, 8:5; U.S. Bureau of the Census, *Eighth Census: Population, 1860*, Kansas Territory (hereafter cited as "1860 Kansas Census"), vol. 3 (Washington, D.C.: Government Printing Office, 1864), McGee County.

17. In addition to the sources cited throughout this article, see "Census of the Half Breed Band of Osage Indians for the Year Ending June 30, 1888," in *Indian Census Rolls, 1885-1940*, *Osage* (*Osage, Kansas or Kaw, and Quapaw Indians*), 1887, 1888, 1890-96, M595, National Archives, 560; Frank G. Audrain, interview by Nannie Lee Burns, June 2, 1937, Samantha Hillen (nee) Lane, interview by Nannie Lee Burns, June 30, 1937, Mrs. Tennessee James, interview by Nannie Lee Burns, April 22, 1937, and Mrs.



**Table One**  
**Heads of Cherokee Families Identified as Living on Tribal Lands in Kansas**

<i>Husband and Wife/Wives</i>	<i>Ancestry</i>	<i>Where Born</i>	<i>Husband and Wife/Wives</i>	<i>Ancestry</i>	<i>Where Born</i>
Thomas Newton Archer	White	Indiana	Larkin J. McGhee	White	Georgia
Lucinda Ann Harlan	Cherokee	Neutral Lands (KS)	Sarah "Sallie" Rogers	Cherokee	-
James Audrain	White	Michigan	Christian McMurtry	White	-
Mary Wilson	Cherokee	Georgia	Elizabeth ____?	Cherokee	-
Absalom Ellis Blythe	Cherokee	-	John McMurtry	White	-
Mary Jane Millsap	White	Tennessee	Dorcas Duncan	Cherokee	-
John R. Blythe	Cherokee	Georgia	James Lloyd Mills	White	Tennessee
Justine Cadle	White	Tennessee	Elizabeth J. Fields	Cherokee	Neutral Lands (KS)
Mary Jane (nee Harlan) Lane	Cherokee	Georgia	Charles Mongrain	Osage	Osage Reserve (KS)
William Blythe	White	Georgia	Martha Isabella Blythe	Cherokee	-
Nancy Fields	Cherokee	Tennessee	Louis Mongrain	Osage	Osage Reserve (KS)
Henry C ____?	Cherokee	-	Mary A. Fields	Cherokee	-
____?	-	-	Fincher Guess Monroe	Cherokee	Tennessee
James D. Childers (Childress)	White	Tennessee	Mary Shields	White	Tennessee
____ Rogers	Cherokee	-	Simpson Foster Monroe	Cherokee	Tennessee
Edward Crutchfield	Cherokee	Georgia	Rebecca Hopkins	Cherokee	-
Mary Isley	White	North Carolina	Thomas R. Monroe	Cherokee	Tennessee or Georgia
John Crutchfield	White	Georgia	Saphronia England	Cherokee	Indian Territory
Elizabeth Fields	Cherokee	Georgia	Susan Conner	White	Indiana
____?	-	-	A-wee Morgan (widow)	Cherokee	North Carolina
Eliza A. Daniel	Cherokee	-	Samuel Nelms	Cherokee	-
David Downing	Cherokee	-	____?	-	-
____?	-	-	Oo Wor Sawdy	Cherokee	-
George W. Ewers	White	Ohio	____?	-	-
Margaret Ann (nee Wolf) Fields	Cherokee	-	Lafoss Pappin	Osage	Osage Reserve (KS)
Gardeen Farr	Cherokee	-	Elizabeth Jane Blythe	Cherokee	-
____?	-	-	John W. Poole	White	Kentucky
George Fields	Cherokee	-	Sallie (Sarah) Matilda Harlan	Cherokee	Tennessee
Sallie Daniel	White	-	James Rawles	-	-
James W. Fields	Cherokee	-	Mary Jane Fields	Cherokee	-
Jennie Berry	White	-	Hilliard Rogers	Cherokee	-
Richard Fields	Cherokee	-	Martha Fields	Cherokee	-
____?	-	-	John Rogers	Cherokee	-
Richard M. Fields	Cherokee	-	Dianna (Tianna) Foster	White	-
Margaret Ann Wolf	Cherokee	-	Joseph Rogers	Cherokee	Georgia
Thomas Monroe Fields	Cherokee	Tennessee	Hannah Foster (later Harris)	White	South Carolina
Martha Jane Clingman	White	Tennessee	Lewis Rogers	Cherokee	-
Robert Donald Foster	White	Alabama	Ellen Lamby (Lombard)	Osage	Osage Reserve (KS)
Sabra Jane Fields	Cherokee	Indian Territory	Oscar Rogers	Cherokee	Georgia
Ira Goddard	White	Georgia	Elmira Josephine Bolin	White	Tennessee
Elizabeth Blythe	Cherokee	-	Tianna Rogers (widow)	Cherokee	-
James Goddard	Cherokee	-	Mansfield Seymore	White	-
____?	-	-	Catherine Rogers	Cherokee	Indian Territory
George Grimmett	Cherokee	-	John Tucker	White	-
Mary Ann Fields	Cherokee	-	Lucinda ____?	Cherokee	Tennessee
David M. Harlan	Cherokee	Georgia	____?	Cherokee	-
Lucinda Tucker	-	Georgia	Sally Tyner	-	-
Rebecca Elvira Van Noy	White	-	George Washington Walker	Cherokee	Tennessee
Julia Ann Tucker	-	-	Rachel Rogers	Cherokee	-
Ezekiel "Napoleon" B. Harlan	Cherokee	Neutral Lands (KS)	David Welch	Cherokee	-
Sarah Evaline Blythe	Cherokee	Neutral Lands (KS)	Rebecca Elvira Van Noy	White	-
William Hathaway	White	-	John Welch	-	-
Lucy Jane Carroll	Cherokee	Indian Territory	Elizabeth Blythe	Cherokee	-
Daniel B. Hopkins	White	Pennsylvania	____?	-	-
Elizabeth Hair	Cherokee	Tennessee	Margaret Williamson	Cherokee	-
Alfred H. Hudson	White	Tennessee	Dennis Wolf	Cherokee	-
Susannah Buffington	Cherokee	Tennessee	Isabell Fields	Cherokee	-
Christopher "Crispon" Hurst	White	Tennessee	Henry Wolf	Cherokee	-
Mary Ann Blythe	Cherokee	Georgia	____?	-	-
William F. Kendle	White	Indiana	Ibby Wolf	Cherokee	-
Louisa Fields	Cherokee	-	____?	-	-
Garrett Lane	White	Tennessee	Thomas Wolf	Cherokee	-
Mary Jane Harlan	Cherokee	Georgia	____?	-	-
Duncan McDaniel	White	South Carolina	Yar lu Sugees Yu	Cherokee	-
Lucinda ____?	Cherokee	Tennessee	____?	-	-

ever, means this should be considered a partial count; the actual number was probably larger. A petition signed by thirty-one Cherokees living on the Neutral Lands in 1854, which included the number of individuals found in each signatory's household, shows that the average family size was four to five members. According to a study done by Russell Thornton, the average Cherokee family in the Nation in the 1830s contained at least six members. Based on these two sources, therefore, the number of Cherokees living on tribal lands in Kansas between the 1830s and 1860s would have been at least two hundred and fifty to four hundred men, women, and children, if not one thousand or more.<sup>18</sup>

**T**ribal members living in the Neutral Lands and the Chetopa area held at least four things in common. These four categories also demonstrate that Kansas Cherokees were similar to and different from the rest of the Cherokee Nation. First, there were more mixed bloods than full bloods amidst the earliest tribal members arriving in Kansas in the late 1830s. This differed from the predominantly full-blood population found in the rest of the Nation during the same period. By the early 1850s the mixed-blood population in Kansas also included a small, but growing, number of citizens of Cherokee-Osage or Cherokee-Osage-white ancestry. In addition, after Kansas Territory was

opened to Euro-American settlers, the percentage of mixed bloods dramatically increased. Second, few tribal members in Kansas were literate in the Cherokee language. This characteristic differed from the rest of the Nation in that between the 1830s and 1860s most Cherokee adults outside Kansas were literate in their traditional language, if not also in English. Third, as was true with most Indian slave owners in Indian Territory, the institution of slavery appears to have been generally accepted by the Kansas mixed bloods. Although there is no evidence that the practice of slavery was widespread among the Kansas Cherokees, some are known to have held slaves in the Spring River-Shoal Creek area. Among those who owned the largest number of slaves were Charles Mongrain, David M. Harlan, and William Blythe. Fourth, the prevailing proslavery and Southern background of the Kansas Cherokees became particularly pronounced when the Civil War broke out, leading most of them to support the South during the conflict. This characteristic also made them somewhat unique within the Nation, in that the majority of the tribal members in Indian Territory were considered "Loyal Cherokees" by U.S. authorities.<sup>19</sup>

By the time of statehood nearly all Kansas Cherokees lived in two general locations: one found in the Spring River-Shoal Creek area, and another located ten to fifteen

Luke Sixkiller, questionnaire, in *Indian-Pioneer History Collection*, 12:522; 62:101; 5:400–402; 73:46; Starr, *History of the Cherokee Indians*, 307, 320, 322, 351, 353, 391, 393, 431, 461, 464, 580, 609, 622; Petitioners Citizens and Settlers on the Cherokee Neutral Land to A. B. Greenwood, December 19, 1859, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 265–66; Mary B. Warren and Eve B. Weeks, *Whites Among the Cherokees: Georgia, 1828–1838* (Danielsville, Ga.: Heritage Press, 1987), 192, 234; *Drennen Roll of 1852*, entry 939; Burns, *Osage Mission Baptisms*, 13–14, 357; David Keith Hampton, *Cherokee Mixed-Bloods: Additions and Corrections to Family Genealogies of Dr. Emmet Starr* (Lincoln, Ark.: ARC Press of Cane Hill, 2005) 1:18, 29–31, 114, 134, 171–72, 174, 485, 582; Authority of the National Council, comp., "An Act Admitting John Crutchfield to Citizenship," in *Laws of the Cherokee Nation, Passed During the Years 1839–1867* (St. Louis: Missouri Democrat Print, 1868), 111; the following in Eastern Cherokee Applications: "Sylvester Hurst," application 5804, roll 60; "Eljerry Fleetwood," application 11894, roll 120; "Peggy A. Harlow," application 2399, roll 26; "David A. McGhee," application 11411, roll 116; "Sarah A. Beffa," application 13438, roll 132; "Edward Crutchfield," application 1333, roll 15; "James Goddard," application 1827, roll 21; "Alex Pappin," application 4568, roll 48; "Clarinda S. Ray," application 2791, roll 30; "Abbie King," application 1975, roll 22; "Ruby L. Masterson," application 28039, roll 229; "James L. Mills," application 3258, roll 35; "James C. Blythe," application 707, roll 9; "Cordelia J. Harlin," application 32248, roll 257; "Joseph Ann Hall," application 9396, roll 95.

18. [Citizens of the Cherokee Nation Residing on the Neutral Lands] to George Mannypenny, November 24, 1859, 48–49; Thornton, *The Cherokees*, 51.

19. "Stewart Mongrain," application no. 1955, and "Mary Amanda Mongrain," application 1959, M1104, roll 22, Eastern Cherokee Applications; Burns, *Osage Mission Baptisms*, 263, 269, 295; Irene G. Stone, "The Lead and Zinc Field of Kansas," *Kansas Historical Collections*, 1901–1902 7 (1902): 244; "Memorandum of the Property of the Estate of William Blythe, Sen., De'cd," 45:6428; *Fourth Annual Report of the Board of Indian Commissioners to the President of the United States* (Washington, D.C.: Government Printing Office, 1872), 31; William G. McLoughlin and Walter H. Conser, "The Cherokees in Transition: A Statistical Analysis of the Federal Cherokee Census of 1835," *Journal of American History* 64 (December 1977): 679; Barbara Jean Brooks, *Language and Cultural Identity: A Sociolinguistic Analysis of the Symbolic Value of Literacy in Oklahoma Cherokee* (Ph.D. Diss., Northwestern University, 1996), 1:21; Shirley Silver and Wick R. Miller, *American Indian Languages: Cultural and Social Contexts* (Tucson: University of Arizona Press, 1997), 198; Thomas N. Ingersoll, *To Intermix With Our White Brothers: Indian Mixed Bloods in the United States from Earliest Times to the Indian Removals* (Albuquerque: University of New Mexico Press, 2005), 250; U.S. Office of Indian Affairs, *Report of the Commissioner of Indian Affairs for the Year 1866* (Washington, D.C.: Government Printing Office, 1866), 283. In 1854 agent George Butler reported that none of the tribal members living on the Neutral Lands could speak Cherokee. Although there is no evidence that many Kansas Cherokees were literate in the tribal language, existing records show that some spoke Cherokee in the home. For example, Roy McGhee recalled hearing the language spoken when he was a child growing up near Chetopa before the Civil War. Also, Henry J. Walker recalled that his father, George Washington Walker, who lived at Chetopa, was fluent in Cherokee. See Butler to Mannypenny, 47; McGhee questionnaire, and Henry J. Walker, interview by James R. Carseloway, [n.d.], in *Indian-Pioneer History Collection*, 76:121; 48:291.

miles to the west, in the Neosho River-Chetopa area. The Chetopa area Cherokees included tribal members residing east of town on the southwestern Neutral Lands, and others living south of town and west of the Neosho River. Although geographically separated, the tribal members in both areas were well connected and appear to have maintained a sense of community. For example, writing from the Neosho Agency in 1860, Indian agent Andrew J. Dorn sent a letter to the Commissioner of Indian Affairs reporting on a communication signed by members of the tribe living in Kansas on both the southeastern Neutral Lands and in the Chetopa area. Also, in 1859 David M. Harlan, who lived near the Spring River, offered a nursery management position to white Chetopa resident, and non-tribal member, Willoughby Doudna. Doudna accepted the job offer and moved to Brushville on the southeastern Neutral Lands, the site of the nursery. In addition, between 1858 and 1860, the Reverend James E. Bryan, a white Methodist Episcopal missionary, divided his time between serving parishioners in Chetopa and the Spring River area.

The interconnection between the communities is also attested in the area's postal services. The Brushville post office (one mile southeast of present Neutral, Cherokee County) provided services to settlers on the southern Neutral Lands from the western fringes of the Spring River area to the town of Chetopa. Postal services between the Spring River and the Missouri border, including Shoal Creek, were provided at Crawford Seminary, on the Quapaw Reserve, which straddled both sides of the Kansas and Indian Territory border south of the Neutral Lands. Settlers living in southeastern Dorn County, between the southern outskirts of Chetopa and Indian Territory, were served by the post office at Long Swamp, Delaware District, in northern Indian Territory. The fact that some of the Chetopa area settlers were served by a post office in Indian Territory demonstrates yet another connection between tribal members living in Kansas and the territory. This cross-border contact is further evidenced by the close relationship between Neutral Lands settler William Blythe and Stand Watie, a prominent Indian Territory member of the Cherokee Council who administered Blythe's will in 1854.<sup>20</sup>

20. Case, *History of Labette County*, 144; Andrew J. Dorn to A. B. Greenwood, January 1, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 264; W. Doudna to J. Thompson, March 3, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234,

Most Kansas Cherokees appear to have been small-scale farmers, but some owned profitable businesses. Aside from Larkin McGhee, who built his trading post enterprise, the most affluent members of the tribe in Kansas operated agribusinesses on the southern Neutral Lands. These included Charles Mongrain, Alfred H. Hudson, William Blythe, John Blythe, and David M. Harlan. When William Blythe died in 1854, for example, his Neutral Lands estate included six slaves, more than one hundred cattle, horses, sheep, and mules, a reserve of farm implements, a large sum of cash, and an extensive farming operation on both sides of the border between the Neutral Lands and Newton County, Missouri. Harlan may have been the wealthiest of the Kansas Cherokees. He owned two sections of land, including 320 acres along Shoal Creek in the vicinity of present Galena and land west of Spring River, near the mouth of Shoal Creek. The latter section was the location of Harlan's home and was the site of both the nursery, managed by Doudna, and an orchard containing as many as twenty thousand grafts.<sup>21</sup>

Many Kansas Cherokees developed close ties with the Catholic Osage Mission, which was run by Jesuit priests and located on the Osage Reserve in present eastern Neosho County, near the western border of the Neutral Lands. Some area Cherokees were also married, baptized, and buried by Jesuits. In addition to offering religious services, the Jesuits operated a boarding school attended by Osage and Quapaw children, and Cherokee children from Indian Territory and the Neutral Lands.<sup>22</sup>

Neutral Lands tribal members held close ties with Chetopa, in part because it was the nearest business community with a predominant Cherokee citizenry. Actually,

roll 99, 267–69; Cutler and Andreas, *History of the State of Kansas*, 1149, 1468; 1860 *Kansas Census*, McGee County, 3:24–25; Carolyn Thomas Foreman, "Education Among the Quapaws, 1829–1875," *Chronicles of Oklahoma* 25 (Spring 1947): 17; "Authority to Stand Watie from Jas. C. Blythe & William Blythe, Jr., April 29, 1854," *Cherokee Nation Papers*, 41:4628; Starr, *History of the Cherokee Indians*, 274; Allison, *History of Cherokee County*, 38; 1860 *Indian Lands Census*, vol. 8, Delaware District.

21. Allison, *History of Cherokee County*, 37–38, 461; "Treaty Funds Dr [Directed] to Alfred H. Hudson," *Cherokee Nation Papers*, 45:6310; Mrs. Tennessee James interview, *Indian-Pioneer History Collection*, 5:401; "Memorandum of the Property of the Estate of William Blythe, Sen., De'cd," 45:6428; "Articles [of] Agreement Between Wm. Blythe and Chrispon Hurst," 46:6546–51; Stone, "The Lead and Zinc Field of Kansas," 243–44; W. Doudna to J. Thompson, March 3, 1860, 268–69; Harriet Harlan, interview by Nannie Lee Burns, August 2, 1937, in *Indian-Pioneer History Collection*, 27:469.

22. Mathews, *The Osages*, 627; Stone, "The Lead and Zinc Field of Kansas," 244; Burns, *Osage Mission Baptisms*, 18, 16, 34, 103, 263, 269, 276, 286, 295, 315, 340, 345, 347, 363, 380.

most of the Chetopa area Cherokees lived on tribal land along the southern and eastern outskirts of town, while the original town site was located on Osage land just north of the Nation. Long before the town's establishment the site was known as Tsitopa (or Citopa), in honor of the chief of the Fort Osage-Timber Hill Little Osages. Established in the southeastern corner of the Osage Reserve in 1857 and built by a group of white immigrants from Powhattan, Ohio, the town of Chetopa touched the Cherokees' Neutral Lands and Delaware District. Calling themselves the Powhattan Agricultural Association, and under the leadership of Dr. George Lisle, Abraham Ewers, George Ewers, and Samuel Steel, these Ohio immigrants built Chetopa on the west bank of the Neosho River near where several Cherokee families had already settled. The town site was selected because these Ohioans believed the location was well suited for the support of agricultural endeavors. Following its establishment, the extended Chetopa community ran along both banks of the Neosho River, and included Cherokee and white homes and farms on both sides of the Cherokee-Osage border.<sup>23</sup>

Chetopa was also significant to the Cherokees because it was located on or near the Mathis Trace. The trace—officially recognized by the Nation as forming the border between the Coo-We-Skoo-We District and Cherokee Outlet in Kansas and Indian Territory—extended from the Osage Reserve into the western Cherokee Nation. The trail was probably named after John Allen Mathews, a white native Virginian and Kentucky emigrant who settled at present Oswego, Kansas, in the early 1840s. A slave owner, he was married to Sarah (Mary) Williams, daughter of an Osage mother and a white native southerner named William Shirley Williams. Mathews was also the U.S. government blacksmith to the Osages, and the owner of trading posts and blacksmith shops at Osage Mission and Fort Gibson, Indian Territory. In addition, Mathews built a ranch at his Kansas home, which he used to raise race horses for contests in the region. As a result, he was well known among both whites and Native Americans in much of southeastern Kansas and northeastern Indian Territory, as well as in southwestern Missouri.<sup>24</sup>

23. (Emporia) *Kansas News*, March 6, 1858; Case, *History of Labette County*, 25–27; Cutler and Andreas, *History of the States of Kansas*, 1454, 1473; Burns, *Osage Mission Baptisms*, 565.

24. National Council, comp., "An Act Organizing Coo-We-Skoo-We District," in *Laws of the Cherokee Nation, Passed During the Years, 1839–1867*,

Prior to the creation of the territory in 1854, Mathews was one of a relatively few number of whites living in what would become southeastern Kansas. The white population of the area remained small during the first two years of Kansas Territory's history. It then dramatically increased, and Cherokee Nation authorities began to view this white intrusion as a violation of their sovereignty. Of equal concern to the Nation was the increasing incursion of white settlers onto its Indian Territory lands. Fueled by a perceived general disregard of the sovereignty of other tribes in Kansas and Indian Territory, and the apparent neglect of the issue by federal authorities, the Cherokee Nation sought its own remedy to the growing white settlement problem. As reported by Charles C. Torrey, a missionary to the Cherokees, tribal authorities attempted to restrict the size of the white population by enforcing "stringent" Cherokee laws.

U.S. Indian Affairs officials also made some meager attempts to aid the Nation's enforcement effort. As early as January 1856, for example, Cherokee agent Butler warned the white intruders that they would be removed by the U.S. Army if they did not respect tribal sovereignty and leave by spring. Butler's warning was ignored, and his August 1856 request for soldiers at Fort Gibson to remove the unlawful settlers went unheeded. Increasingly frustrated by federal inaction, in 1859 the Cherokee Nation sent a sharp complaint to the U.S. government and passed a law authorizing tribal law enforcement officials to cooperate with U.S. agents in removing the intruders. The U.S. government responded by ordering the white squatters to leave, but without an accompanying show of force this warning was also ignored. In August 1860 the new Cherokee agent, Robert J. Cowart, "visited the Neutral Lands and served many of the Intruders personally" with an order to leave. Realizing that the settlers were not heeding the warning, Cowart returned to the Neutral Lands in October with two companies of cavalry from Fort Smith, Arkansas, to expel the intruders and burn their cabins. The soldiers, who had little desire for the task, burned some cabins and told the intruders to voluntarily leave. Cowart acknowledged that the action

73; William Brooks to William P. Dole, [1861,] Special Files of the office of Indian Affairs, 1807–1904, special file 201, M574, roll 59, 1063, National Archives; "Official Roster of Kansas, 1854–1925," *Kansas Historical Collections*, 1923–1925 16 (1925): 728; Case, *History of Labette County*, 21–22, 25; Alpheus H. Favour, *Old Bill Williams: Mountain Man* (Norman: University of Oklahoma Press, 1962), 21–22, 130; Mathews, *The Osages*, 627–28. The Mathews family name was sometimes spelled Mathes or Mathis. See Brooks to Dole, 1063; Burns, *Osage Mission Baptisms*, 165, 179, 678.

achieved little, and correctly predicted that the illegal white population would increase once the soldiers left.<sup>25</sup>

Existing records suggest a sizable white population on the Neutral Lands by the time of the Civil War. In October 1857 Emporia's *Kansas News* reported that 1,202 white male inhabitants in the McGee County portion of the Neutral Lands had voted in a recent election. In February 1860 Calvin C. James, the Brushville postmaster, reported the presence of six hundred white families on the Neutral Lands, and that same month a petition signed by a group of white settlers was sent to the Indian Affairs office claiming that there were about five thousand white inhabitants in the McGee County portion of the Neutral Lands. In April Cherokee Chief John Ross complained that there were seven hundred white families on the Neutral Lands, adding that the number of whites was increasing daily. The U.S. census enumerated nearly sixteen hundred white residents on the Neutral Lands in the summer of 1860, and in November the number of whites living there was reported to President James Buchanan to be as many as two thousand settlers. The largest white population on the Neutral Lands was found in the northern portion, where the Drywood settlement in southern Bourbon County may, by itself, have held more than one thousand settlers. Although the Drywood colony was just inside the Cherokee Nation, as late as the

autumn of 1860 many of the settlers living there believed their homesteads were on New York Indian Lands.<sup>26</sup>

Even though most whites living on Cherokee lands in Kansas were illegal settlers, some were lawful residents under Cherokee law. Whites were welcomed if they fell within one of three categories. First, whites employed by tribal members were invited to reside in the Cherokee Nation. Doudna, who managed the Brushville nursery owned by Harlan, is a good example. Second, as pointed out in 1850 by Josiah Woodward Washbourne, the son of a Presbyterian missionary to the Cherokees, "industrious white men" were invited to live among the Cherokees. James, for example, was welcomed because he was the Brushville postmaster. Third, whites became legal residents when they married a member of the Cherokee Nation. The squatters, however, abused this benefit, and in 1859 Ross complained that whites were intentionally using the marriage-citizenship law for the purpose of legally locating on the Neutral Lands.<sup>27</sup>

By the 1850s intermarriages between Cherokees and whites were commonplace not only on the Neutral Lands, but also throughout the Cherokee Nation. These unions were encouraged by the Nation's efforts to clarify its citizenship law. In 1825 the Cherokee Nation passed two measures addressing this issue—a marriage law granting citizenship to white spouses of Cherokees, and a statute guaranteeing that a child of at least one Cherokee parent was a citizen of the Nation. Subsequent laws

25. U.S. House, *Cherokee Neutral Lands in Kansas, To Accompany Bill H.R. No. 1074: Minority Report*, 41st Cong., 3rd sess., January 13, 1871, H. Rept. 12, 1, 12; Alban W. Hoopes, *Indian Affairs and Their Administration, with Special Reference to the Far West, 1849–1860* (Philadelphia: University of Pennsylvania Press, 1932), 223; C. C. Torrey to R. Anderson, April 10, 1860, Correspondence with the Cherokee Mission, Papers of the American Board of Commissioners for Foreign Missions, vol. 14, Cherokee Mission, reel 748, Research Publications, Woodbridge, Conn., 13–14; "Proceedings of a Meeting of Settlers on the Cherokee Neutral Lands, Free Point, K.T., Feb. 9, 1860," Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 328–30; George Butler to Charles W. Dean, January 9, 1856, and Butler to Dean, August 9, 1856, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1856–1858, M234, roll 98, 422, 74; *Kansas News*, October 24, 1857; National Council, comp., "An Act in Relation to Intruders," in *Laws of the Cherokee Nation, Passed During the Years 1839–1867*, 107; Robert J. Cowart to A. B. Greenwood, September 8, 1860, and Cowart to Greenwood, November 9, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 248, 259–62; Elias Rector to Andrew J. Dorn, October 1, 1860, Records of the Southern Superintendency of Indian Affairs, 1832–1870, M640, roll 21, 170; John Ross et al. to A. B. Greenwood, April 2, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 335–38; *Girard Press*, February 10, 1876; Brown, *Cherokee Neutral Lands Controversy*, 7–8; Charles C. Royce, "The Cherokee Nation of Indians," in *Fifth Annual Report of the Bureau of Ethnology to the Secretary of the Smithsonian Institution, 1883–'84*, by J. W. Powell (Washington, D.C.: Government Printing Office, 1887), 323; 1860 *Kansas Census*, vol. 3, McGee County; 1860 *Kansas Census*, vol. 1, Bourbon County.

26. *Kansas News*, October 24, 1857; Calvin C. James to John L. Phelps, February 5, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 316; Joshua A. Gideon to A. B. Greenwood, February 15, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 288–91; Gary E. Moulton, ed., *The Papers of Chief John Ross* (Norman: University of Oklahoma Press, 1985), 2:437; 1860 *Kansas Census*, vol. 3, McGee County; 1860 *Kansas Census*, vol. 1, Bourbon County; J. Williams to James Buchanan, November 13, 1860, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 299–300; "Extension of Surveys, as Recommended in Annual Report Dated, Surveyor General's Office, Leavenworth, Kan., Sept. 2nd, 1861," in *Circular, Issued by the Survey General of Kansas and Nebraska, Together with a Synopsis of His Annual Report, and Estimates for the Extension of Surveys, Based Upon the Reports of His Deputies and Petitions from the Settlers Residing Upon the Unsurveyed Lands in Kansas and Nebraska* (Leavenworth, Kans.: Conservative Print, 1861); J. N. Holloway, *History of Kansas: From the First Exploration of the Mississippi Valley, To Its Admission into the Union* (Lafayette, Ind.: James, Emmons & Co., 1868), 575.

27. *Fort Smith (Ark.) Herald*, May 18, 1850; James to Phelps, 315–16; Doudna to Tompson, 267–69; Case, *History of Labette County*, 144; C.N., "An Act to Legalize Intermarriage with White Men," in *Constitution and Laws of the Cherokee Nation, 1839–51*, 32–33; Moulton, *The Papers of Chief John Ross*, 2:425.

placed restrictions on whites marrying tribal members, with most of the regulations directed toward white men. In 1839 the Nation passed a law that required white grooms to purchase an expensive, five-dollar marriage license before they could marry a Cherokee woman. The high cost of the permit was probably intended to restrict the number of white males gaining legal access to tribal land through marriage. The marriage law was made even more restrictive in 1843, when white men were required to inform the Cherokee National Council of their marital intentions by way of a marriage license. White men marrying into the Nation were also expected to renounce their allegiance to the United States. Recognizing that the marriage statute needed to more clearly protect the rights of widows and widowers, in 1846 the Nation amended the law by allowing intermarried whites to retain their tribal citizenship following the death of their Cherokee spouse, unless they subsequently married a white person.

Increasingly concerned over the influx of white men seeking intermarriages, in 1855 the Council passed an intricate law that, among other things, required white grooms to take an oath of allegiance to the Cherokee Nation. Moreover, officials made it clear that tribal laws and treaty stipulations superseded any rights that a white husband might assume as a U.S. citizen. The 1855 statute also stated that any white man abandoning or divorcing his Cherokee wife forfeited his tribal citizenship and property rights, thereby becoming an intruder. Furthermore, until 1875 a white man who married a Cherokee woman was only allowed legal access to tribal funds and land holdings through his wife.

Although intended to apply to the entire Nation, many aspects of the intermarriage legislation could easily have been squarely directed at the growing white population seeking legal status on the Neutral Lands. In reality, none of the Cherokee intermarriage laws appear to have done much to discourage white males from pursuing wedlock with Cherokee women. Whether such unions were largely driven by passion or the desire for a legal land claim may never be known, but it seems evident that whites were quite familiar with Cherokee marriage-citizenship laws. In fact, most intermarriages throughout the Nation involved a white man and a Cherokee woman.<sup>28</sup>

When the Civil War broke out, the Cherokee Nation's concerns over the illegal white settlement of the Neutral

Lands became overshadowed by the national conflict that was brewing on its borders. The war also dominated the lives of the Kansas Cherokees between 1861 and 1865, destroying many of their homes and businesses, and permanently changing their place in the future of the young state. In the spring of 1861, the U.S. government abandoned the Cherokee tribal lands in Indian Territory and Kansas, and the U.S. Army abandoned Forts Gibson, Washita, Arbuckle, and Cobb. In turn, Confederate authorities filled the vacuum left by the Union withdrawal and began direct talks with tribal leaders. Initially Chief Ross attempted to maintain a policy of neutrality, but soon "there was no longer any reason to believe that the Union of the States would be continued." His effort at neutrality failed when on August 21, 1861, a public meeting held at Tahlequah, Indian Territory, produced tribal declarations and resolutions supporting the Confederacy. Three days later Ross informed Confederate authorities that the Cherokees had "abandoned our neutrality and espoused the cause of the Confederate States," and on October 7 Ross signed a treaty with the Confederacy. The Confederate-Cherokee accord, along with Confederate treaties with the Osages and Quapaws, resulted in the political absorption of much of southern Kansas, although it was never physically occupied by the Confederacy. The Confederate-Cherokee treaty provided specific military, judicial, and political guarantees for the entire Cherokee Nation. The Confederate states also promised the Cherokee Nation fifty thousand dollars for the construction of schools on the Neutral Lands, a gesture that demonstrated that the Nation acknowledged and supported the Cherokee population there.<sup>29</sup>

"An Act Regulating Intermarriages with White Men," in *Laws of the Cherokee Nation, Passed During the Years 1839–1867*, 104–5; Lawrence Mills, *The Lands of the Five Civilized Tribes: A Treatise upon the Law Applicable to the Lands of the Five Civilized Tribes in Oklahoma* (St. Louis: F. H. Thomas Law Book Co., 1919), 22; "[Notes Regarding Cherokee Intermarriage Laws]," *Cherokee Nation Papers*, 46:6459; T. F. Robley, *History of Bourbon County, Kansas, To the Close of 1865* (Fort Scott, Kans.: T. F. Robley, 1894), 155; A. H. Murchison, "Intermarried-Whites in the Cherokee Nation Between the Years 1865 and 1887," *Chronicles of Oklahoma* 6 (September 1928): 301; Fay Yarbrough, "Legislating Women's Sexuality: Cherokee Marriage Laws in the Nineteenth Century," *Journal of Social History* 38 (Winter 2004): 395–99. Hathaway, who is described by Robley as one of the white settlers to marry into the Cherokee Nation in order to legally claim a homestead on the Neutral Lands, is believed to have been William Hathaway, who married Cherokee Lucy Jane Carroll. See "Thomas J. Monroe," application 6707, M1104, roll 69, Eastern Cherokee Applications; Hampton, *Cherokee Mixed-Bloods*, 1:485.

29. Rachel Caroline Eaton, *John Ross and the Cherokee Indians* (Menasha, Wis.: George Banta Pub. Co., 1914), 179–80; Confederate States of America, "Treaty with the Cherokees, October 7, 1861," in *The Statutes at Large of the Confederate States of America* (Richmond, Va.: R. M. Smith,

28. *Laws of the Cherokee Nation: Adopted by the Council at Various Periods* (Tahlequah, C.N.: Cherokee Advocate Office, 1852), 57, 142; "An Act to Legalize Intermarriage with White Men," 32–33; National Council, comp.,



Ross's initial hesitancy to sign the Confederate treaty was influenced by an internal political and factional struggle that had been waged within the Nation since around the time of its removal from the East. This included a growing controversy over the institution of slavery within the tribe, and the related strife that had developed between the full bloods and mixed bloods. Specifically, the mixed bloods were inclined to support slavery and antebellum, white values; full bloods, however, tended to be antislavery and more inclined to hold onto traditional Cherokee customs and language. Even though few citizens of the Cherokee Nation owned slaves, the issue was divisive for the entire tribe. When the Civil War began, this struggle largely took the form of dividing the Nation between those who tended to be antislavery and supported the Union, and those who backed slavery and the South. By 1863 these two camps had become so divided that they formed two separate governing Cherokee national governments, one pro-Northern and one pro-Southern.<sup>30</sup> Although this struggle was deeply felt in the Indian Territory portion of the Nation, there is no evidence that these divisions became issues among the Kansas Cherokees. On the contrary, when the war began in 1861 the largely mixed-blood Kansas tribal citizenry appeared eager to answer the cry from the Southern states.

Five months before the Confederacy signed treaties with the Cherokees, word spread in southeastern Kansas that a "secession" meeting would be held at Larkin McGhee's residence on the outskirts of Chetopa. The meeting was held on June 4, 1861, and was attended by area Cherokees, whites, and a few Osages from their Kansas

reserve. Following the meeting, William Brooks, a Unionist, Georgia native, and twenty-two-year-old, white school teacher living on the Neutral Lands, sent a letter to William Dole, U.S. Commissioner of Indian Affairs, informing him that the leaders of the meeting had called upon the Cherokees and "Americans who live on the Neutral Lands" to take up arms against the United States. The leaders of the meeting were two white Kansans, John Allen Mathews, recently commissioned as a Confederate army captain, and Robert Donald Foster. As approximately half of the white heads of household on the Neutral Lands were native Southerners, and with a population of Southern Cherokees in the area, the meeting posed a serious threat to Union interests in Kansas.<sup>31</sup>

The June 4 meeting produced an organization called the Secession Company, composed of twenty-five mixed-blood tribal members and whites from the Neutral Lands and Chetopa area. Formed primarily as a Confederate army home guard unit, the company was intended to protect the Cherokee settlers in Kansas from "unlawful" Northerners, but it also was a Confederate army company recruited by Mathews, an officer under the command of General Ben McCulloch. The Secession Company was not Mathews's only recruiting success. In the summer of 1861 he organized his own band of Confederate partisans, which at one point was comprised of two hundred mixed-blood Cherokees. Mathews and his band operated "all summer" on the Neutral Lands, attacking pro-Union settlers. Although Fort Scott, Kansas, was under Union control, Mathews's recruiting skills also resulted in McCulloch ordering him to enlist Quapaw Indian scouts at the fort for Confederate service on the "Kansas frontier."<sup>32</sup>

Mathews may have been the only Confederate army officer in attendance at the June 4 meeting, but he was not named the Secession Company's commander, probably because his role was that of a recruiter. Instead, the company elected Foster as its captain. A native of Alabama, Foster

1864), 394–411; Robert B. Roberts, *Encyclopedia of Historic Forts: The Military, Pioneer, and Trading Posts of the United States* (New York: Macmillan Pub. Co., 1988), 651, 653–54, 658; Wardell, *A Political History of the Cherokee Nation*, 132; U.S. War Department, *The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (hereafter cited as "War of the Rebellion"; Washington, D.C.: Government Printing Office, 1881), 1st ser., 3:673; *War of the Rebellion*, 4th ser., 1 (1900): 636, 659; "Joint Meeting, Cherokee National Committee, October 9, 1861," *Journal of the Select Committee*, November 15, 1859–May 2, 1861 [typescript], MS 74–71, RG 50, NSU Archives, Northeastern State University, Tahlequah, Okla.; Albert Pike to John Ross, June 6, 1861, oversize box 10, Ballenger Collection, NSU Archives; Moulton, *The Papers of Chief John Ross*, 2:474; James D. Richardson, *A Compilation of the Messages and Papers of the Confederacy, Including the Diplomatic Correspondence, 1861–1865* (Nashville: United States Pub. Co., 1905), 151.

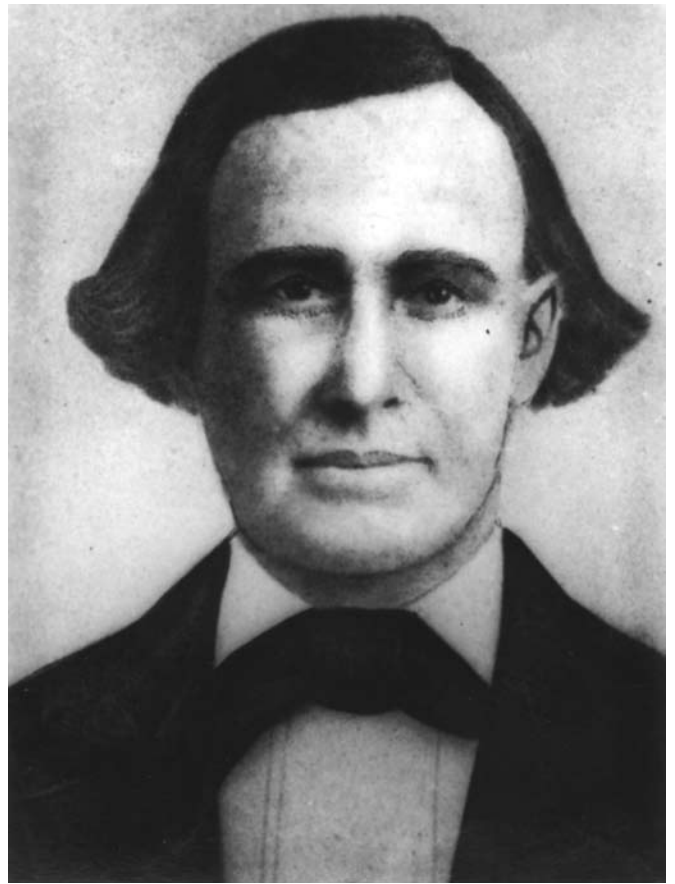
30. R. Halliburton, *Red over Black: Black Slavery among the Cherokee Indians* (Westport, Conn.: Greenwood Press, 1977), 117–19; Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540–1866* (Knoxville: University of Tennessee Press, 1979), 137; Ari Kelman, "Deadly Currents: John Ross's Decision of 1861," *Chronicles of Oklahoma* 73 (Spring 1995): 81–82.

31. William Brooks to William P. Dole, [1861,] 1063–65; 1860 *Kansas Census*, McGee County, 3:27; Paul M. Ponziglione, "Osage Mission During the Civil War: From the Diary of Rev. Paul Ponziglione, S.J.," *St. Louis Catholic Historical Review* 4 (October 1922): 224. Mathews appears to have later been promoted to colonel. See Case, *History of Labette County*, 22; Cutler and Andreas, *History of the State of Kansas*, 1473.

32. Brooks to Dole, 1063–65; R. M. Jacks to William P. Dole, July 29, 1861, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, M234, roll 99, 457–58; Augustus Wattles to William P. Dole, September 25, 1861, Special Files of the Office of Indian Affairs, special file 201, M574, roll 59, 559–61; *Daily True Delta* (New Orleans), October 6, 1861.

was a forty-year-old, white farmer living on the Neutral Lands, who had moved there from southwest Missouri. In 1857 Foster married a Cherokee woman named Sabra Jane Fields, daughter of John and Elizabeth (Wells) Fields, making him a legal member of the Cherokee Nation. In addition, James Patton was chosen first lieutenant of the company. Like Foster, Patton was forty years of age, a native of Alabama, and a white Neutral Lands farmer. Unlike Foster, however, Patton had not married an Indian and thus was not a member of the Cherokee Nation.<sup>33</sup>

Foster and Patton had at least one characteristic in common with most other Kansas residents who enlisted in Confederate Cherokee military service: they were white. Given that most of the Confederate Kansans were white, and the few native tribal members in the company were of mixed ancestry (see Table Two<sup>34</sup>), the question becomes, what motivated these soldiers to enlist in a Southern Cherokee unit? The answer is at least twofold. First, like their Indian Territory counterparts, the mixed-blood Kansas tribal members were characteristically sympathetic to slavery and Southern institutions. At the outbreak of the war these mixed bloods naturally leaned toward the Confederate cause. Second, the majority of the white soldiers found in Table Two were either native southerners or had lived in the South. They had also spent years living as part of a predominantly Southern Cherokee community. Caleb Conner serves as an example. Although he was a northern-born white, his parents had southern roots, he had spent much of his youth in the slave state of Missouri not far from the Spring River Cherokees, and he had lived among the Cherokees with his parents in Indian Territory. In the late 1850s, around his twentieth year, Conner left his parents to establish his own farm on the outskirts of Chetopa, not far



*John Allen Mathews, a white native Virginian and Kentucky emigrant, settled at present Oswego, Kansas, in the early 1840s. In 1861 he helped found the Secession Company, composed of mixed-blood tribal members and whites from the Neutral Lands and Chetopa area. Recruited to protect the Cherokee settlers in Kansas from "unlawful" Northerners, it also was recruited by Mathews as a company in the regular Confederate army.*

33. 1860 *Indian Lands Census*, Delaware District, 8:5; "Eva E. Ratcliff," application 17212, M1104, roll 157, Eastern Cherokee Applications; Starr, *History of the Cherokee Indians*, 309, 321; 1860 *Kansas Census*, McGee County, 3:22; Brooks to Dole, 1063–65. Foster's home was one of at least twelve Kansas homes that were incorrectly recorded in the 1860 census as existing in Delaware District, Indian Territory, rather than in either McGee or Dorn counties.

34. In addition to the sources cited throughout this article, see Crawford Connor, interview by Nannie Lee Burns, July 14, 1937, and Walker interview, in *Indian-Pioneer History Collection*, 54:497–98; 48:290; Hampton, *Cherokee Mixed-Bloods*, 1:166; "First Cherokee Mounted Volunteers, A–K," *Compiled Service Records of Confederate Soldiers Who Served in Organizations Raised Directly by the Confederate Government*, M258, roll 79, 317, 463, National Archives; "Second Cherokee Mounted Volunteers," *Compiled Service Records of Confederate Soldiers Who Served in Organizations Raised Directly by the Confederate Government*, M258, roll 90, 965, 986, 1143, National Archives.

from Larkin McGhee's house. There he lived among tribal members until the war began in 1861, when he enlisted in the Confederate army under the Cherokee banner. Following the war, Conner formalized his association with the Cherokee Nation by marrying a Cherokee woman named Lucy Jane Countryman.<sup>35</sup>

Although Foster and Patton are the only two named members of the Secession Company, it is possible to identify other potential members of the unit. It seems likely that

35. Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), 72; U.S. Commission to the Five Civilized Tribes, Enrollment Cards of the Five Civilized Tribes, 1896–1914, M1186, roll 5, 2979, National Archives; 1860 *Indian Lands Census*, Delaware District, 8:1165; "Susan Hood," application 23601, M1104, roll 200, Eastern Cherokee Applications.

**Table Two**  
**Kansas Residents Who Enlisted in Confederate Cherokee Military Service**

<i>Name</i>	<i>Ancestry</i>	<i>Kansas Residence</i>	<i>Where Born</i>	<i>C.N. Member in 1861</i>
John Banks	White	Neutral Lands	Kentucky	No
James L. Bowls	White	Neutral Lands	Virginia	No
Caleb Conner	White	Chetopa area	Indiana	No
David Downing	Cherokee	Neutral Lands	-	Yes
James W. Fields	Cherokee	Neutral Lands	-	Yes
Robert Donald Foster	White	Chetopa area	Alabama	Yes
William A. Kinkaid	White	Neutral Lands	Tennessee	No
John Mathews, Jr.	White-Osage	Osage Reserve	Kansas	No
John McMurtry	White	Chetopa area	-	Yes
James Patton (Father)	White	Neutral Lands	Alabama	No
James Patton (Son)	White	Neutral Lands	Arkansas	No
W. L. Pharr	White	Chetopa area	N. Carolina	No
John W. Poole	White	Neutral Lands	Kentucky	Yes
Lewis Rogers	Cherokee	Chetopa area	-	Yes
H. L. Smith	White	Neutral Lands	Tennessee	No
Samuel Steel	White	Chetopa area	Ohio	No
George Washington Walker	Cherokee	Chetopa area	Tennessee	Yes
John Wilson	White	Walnut Creek	Sweden	No

at least some of the individuals found in Table Two were present at the June 4 meeting and may have begun their Confederate Cherokee military service at Chetopa on that date. Of the eighteen Kansas residents known to have enlisted in Southern Cherokee service, all but two were living on the tribe's lands in 1861. The two exceptions are John Mathews, Jr., the white-Osage son of John Allen Mathews, and John Wilson, a Swedish immigrant and Walnut Creek farmer. Since the company was formed at Larkin McGhee's house, it seems reasonable to conclude that some of his extended family members who were living in Indian Territory may also have attended the secession meeting on that June day. Indeed, several McGhees, including Albert S. McGhee, David A. McGhee, John McGhee, and Thomas Jefferson McGhee, are known to have later enlisted in Southern Cherokee military service. Albert, David, and Thomas were the sons of Ambrose McGhee, and John was the son of Larkin.<sup>36</sup>

As the only formal Confederate Cherokee company raised in Kansas the Secession Company holds several distinctions. The unit was among those Stand Watie initially mustered into his Cherokee regiment. Also, it was organized before McCulloch requested that Ross form Cherokee "Home Guards" companies. A few days after the Secession Company was created it was deployed to Indian Territory, approximately thirty miles southwest of Chetopa. This probably occurred as a result of an order received by McCulloch and Ross from the Confederate government on June 12, calling for the defense of northern Indian Territory. By early July the company had been absorbed by the Coe-We-Skoo-We District's home guard unit, or Cherokee Outlet Company, which was bivouacked twelve miles south of the Kansas state line on the Verdigris River. From this encampment the company scouted along the Kansas-Indian Territory border, between the Verdigris

36. 1860 *Kansas Census*, McGee County, 3:5, 19, 22–23; 1860 *Indian Lands Census*, Delaware District, 8:5; [Citizens and Settlers on the Cherokee Neutral Land and also that Portion of Cherokee Lands West of Neosho River that is in the Limits of Kansas] to A. B. Greenwood, December 19, 1859, 266; (Ewers) Harlow interview, *Indian-Pioneer History Collection*, 80:330–31; "Susan Hood," application 23601, roll 200, Eastern Cherokee Applications; Starr, *History of the Cherokee Indians*, 359, 442; "Second Cherokee Mounted Volunteers," *Compiled Service Records of Confederate Soldiers Who Served in Organizations Raised Directly by the Confederate Government* (hereafter cited as "*Confederate Cherokee Service Records*"), M258, roll 90, 66,

125, 267, 316, 500, 558, 593–95, 611, 679–80, 745, 836, National Archives; "First Cherokee Mounted Volunteers, L–Y," *Confederate Cherokee Service Records*, M258, roll 80, 835, 950, 965, 986, 1143, National Archives; *Confederate Cherokee Service Records*, M258, roll 79, 317, National Archives; "List of Men Furloughed from Mills Battalion from 31st Dec. 1863 to 29th Jan. 64," *Cherokee Nation Papers*, 45:6369; James Monroe McGhee, interview by Nannie Lee Burns, August 27, 1937, and Frances Johnson, interview by Nannie Lee Burns, April 29, 1938, in *Indian-Pioneer History Collection*, 71:157–61; 86:155; Burns, *Osage Mission Baptisms*, 165; Cutler and Andreas, *History of the State of Kansas*, 1454.

and Caney rivers. Its duties also included recruiting in the Caney River valley, home to a series of scattered Cherokee farms from near present Ramona, Oklahoma, northward to just south of present Caney, Kansas. The company's scouting duties involved the interception of dispatches between James H. Lane and Ross. McCulloch and the Southern Cherokees had good reason for wanting to interrupt these communications because Lane, a U.S. senator from Kansas as well as a brigadier general of volunteers, was known to be pressuring Ross to switch sides.<sup>37</sup>

On July 12, 1861, the Cherokee Outlet Company lost its distinctive identity when it became the initial muster of the Confederate army's First Cherokee Regiment (later called the Second Cherokee Mounted Rifles), commanded by Colonel (later General) Stand Watie. In 1861 Watie's command was one of two Cherokee regiments serving under the Confederate banner. The second regiment, commanded by Colonel John Drew, was designated the First Cherokee Mounted Rifles. Although both regiments were raised for the defense of the Cherokee Nation, they generally attracted recruits with different motivations. On the one hand, Drew's regiment was raised as a home guard unit for the purpose of protecting the Cherokee government, and the recruits were primarily full bloods with little stake in the newly formed Confederacy. Their lack of total commitment to the Southern cause, coupled with having to face pro-Union Indian opponents on the battlefield, led most of Drew's men to desert in 1862. On the other hand, Watie's command attracted pro-Southern recruits who, despite hardship, were more willing to remain in Confederate service. They tended to be mixed bloods and southern-born whites, including soldiers from the northern and western fringes of the Nation in Indian Territory and Kansas.<sup>38</sup>

37. *War of the Rebellion*, 1st ser., 3 (1881):591-92; *Conservative* (Leavenworth, Kans.), July 24, 1862; *War of the Rebellion*, 3rd ser., 1 (1899):280; Moulton, *The Papers of Chief John Ross*, 2:468; Harlan interview, *Indian-Pioneer History Collection*, 27:468. See also Caldwell, "The Southern Kansas Boundary Survey," 353; "First Cherokee Mounted Volunteers, L-Y," *Confederate Cherokee Service Records*, M258, roll 80, 941, 1424; Dewey (Okla.) *Sentinel*, May 13, 1909; Effie S. Jackson, interview by Stephen R. Lewis, July 9, 1937, "The Ramona Cemetery," Jarvis Tyner, Investigator, April 12, 1938, and Laura Tyner Sears, interview by Jarvis Tyner, April 18, 1938, in *Indian-Pioneer History Collection*, 109:179-80; 96:439-40; 101:144; J. P. Evans to Emma J. Evans, December 5, 1861, John Drew Papers, folder 309, Gilcrease Museum, Tulsa, Okla.; *Conservative*, July 24, 1862.

38. "First Cherokee Mounted Volunteers, A-K" *Confederate Cherokee Service Records*, M258, roll 79, [1], National Archives; W. Craig Gaines, *The Confed-*



The company's scouting duties involved the interception of dispatches between John Ross and James H. Lane, pictured here sometime between 1858 and 1861. Lane, a U.S. senator from Kansas as well as a brigadier general of volunteers, was known to be pressuring Ross to switch sides.

Worried that the "Abolition hordes" of Kansas were set to invade Indian Territory, as early as June 1861 Confederate Choctaws requested that the Southern army set up defensive positions in the northern Cherokee Nation. In response, two months later McCulloch ordered Watie's newly formed regiment to move onto the Neutral Lands. When the Cherokee colonel's regiment crossed into Kansas in the early autumn of 1861, some of the original Secession Company members may have found themselves back in the state for the first time since their enlistment. At least a portion of the regiment remained on the Neutral Lands until March 1862. During this period Watie's officers broadly interpreted an order to destroy anything of use to the Northern cause as far north as Lightning Creek in present Crawford County. Also eager to exact punishment on intruders, officers such as Confederate Cherokee "Captain

*erate Cherokees: John Drew's Regiment of Mounted Rifles* (Baton Rouge: Louisiana State University Press, 1989), 13; Parins, *Elias Cornelius Boudinot*, 46, 50-51.

Buzzard" were all too happy to attack illegal white settlers on the Neutral Lands.<sup>39</sup>

Confederate military interests in the Neutral Lands probably bolstered the senior Mathews's influence as both a partisan commander and Confederate army recruiter. In addition to Mathews and Watie's presence, Augustus "Ogeese" Captan and Thomas R. Livingston also conducted operations on the Neutral Lands in 1861. Captan was an officer in the First Osage Battalion and an Osage tribal member who resided at Osage Mission, Kansas. Livingston was a white Missourian who commanded a company of Southern partisans known both as the Cherokee Spikes and First Missouri Cavalry Battalion. During 1861 and 1862 he served under Watie in southeastern Kansas, northeastern Indian Territory, and southwestern Missouri. The presence of these Confederates in the vicinity of the Neutral Lands set the stage for a series of Southern and Northern military provocations that changed the course of the war for the Kansas Cherokees. Indeed, on the afternoon of September 8, 1861, more than three hundred Confederate soldiers and Southern partisans from Missouri, Kansas, and Indian Territory dashed into Humboldt, Kansas, where they "proceeded to rob stores and houses of whatever they found of value, and that they could carry away with them." The foray was carefully orchestrated to occur while Humboldt's Union army garrison, under the command of General Lane, was at Fort Scott gathering supplies. Members of the raiding party included whites, Cherokees, and Osages, serving under the commands of Watie, Captan, Mathews, Livingston, and Missourian Stanford J. Talbott.<sup>40</sup>

39. *Boggy Depot (Choctaw Nation, Indian Territory)*, *National Register*, June 1, 1861; *War of the Rebellion*, 1st ser., 3 (1881):692, 721; W. R. Bradfute to Stand Watie, September 20, 1861, *Cherokee Nation Papers*, 39:4137; C. W. Bennett to William P. Dole, February 28, 1862, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, roll 99, 536; John W. Tulley and Erasmus H. Tulley, affidavit, February 6, 1862, Letters Received by the Office of Indian Affairs, 1824–1881, Cherokee Agency, 1836–1880, 1859–1864, roll 99, 537; D. C. Gideon, *Indian Territory: Descriptive Biographical and Genealogical, Including the Landed Estates, Country Seats, Etc., Etc., With a General History of the Territory* (New York: Lewis Pub. Co., 1901), 91.

40. Wattles to Dole, 560; W. G. Coffin to W. P. Dole, September 26, 1861, Letters Received by the Office of Indian Affairs, 1824–1881, Neosho Agency, 1831–1875, 1859–1861, M234, roll 532, 631; *War of the Rebellion*, 2nd ser., 1 (1894):135; William Whites Graves, *Life and Letters of Fathers Ponziglione, Schoenmakers and Other Early Jesuits at Osage Mission* (St. Paul, Kans.: W. W. Graves, 1916), 195–96; "1st Osage Battalion," *Compiled Service Records of Confederate Soldiers Who Served in Organizations Raised Directly by the Confederate Government*, M258, roll 88, 3, National Archives; "T. R. Livingston," *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Missouri*, M322, roll 193, Misc. Missouri, National Archives; *Emporia News*, September 21, 1861; Edward Everett Dale

The marauders quickly dispersed after pillaging Humboldt, leaving the Union army and militia to follow their fading trails. When the Union pursuers were unable to find any of the raiders, they vented their vengeance on Mathews. Lane offered a "reward of \$1,000 for the head of Matthews [sic]," and ordered Union army Lieutenant Colonel (later General) James G. Blunt to find him. A few days after the raid on Humboldt, Blunt left Fort Scott with two hundred soldiers in pursuit of the alleged Humboldt raiders, heading southwest to Mathews's "haunts in the Cherokee country." At Chetopa, Blunt learned that Mathews had been given refuge in the house occupied by Lewis Rogers, a Confederate Cherokee. Actually, the Rogers house was the homestead of the late William Blythe, a prominent Kansas Cherokee and friend of Stand Watie. When Blunt arrived at Blythe's farm he engaged Mathews and his men, and in the ensuing gunfight Mathews was killed.<sup>41</sup>

Subsequently, Blunt ordered the arrest of the entire adult male population in the Chetopa area and charged them with aiding the enemy. Since the Cherokee men still living there had gone into hiding as Blunt approached, only a few male residents, mostly pro-Northern whites, could be found, and they were released following a brief military trial. Unable to capture any residents guilty of aiding the Confederate raiders, Blunt decided to punish the Cherokees by plundering their property. For example, the farm of George Washington Walker, who was hiding "in

and Gaston Litton, *Cherokee Cavaliers: Forty Years of Cherokee History as Told in the Correspondence of the Ridge-Watie-Boudinot Family* (Norman: University of Oklahoma Press, 1939), 118; *Humboldt (Kans.) Union*, July 15, 1876 and August 5, 1876; L. Wallace Duncan and Chas. F. Scott, eds., *History of Allen and Woodson Counties, Kansas* (Iola, Kans.: Iola Register, Printers and Binders, 1901), 21; Case, *History of Labette County*, 22; William Whites Graves, *Life and Letters of Rev. Father John Schoenmakers*, S. J.: *Apostle to the Osages* (Parsons, Kans.: Commercial Pub., 1928), 105; Cutler and Andreas, *History of the State of Kansas*, 1454. Daniel W. Wilder states that the first Confederate raid on Humboldt occurred on September 12, 1861. Wilder's date, however, is incorrect. The *Humboldt Union* reported that the raid took place on the afternoon of September 8, 1861. Further evidence that the raid occurred prior to September 12 is found in a field report from James Lane, also dated September 12, 1861. See Daniel W. Wilder, *Annals of Kansas* (Topeka, Kans.: Geo. W. Martin, Kansas Publishing House, 1875), 268; *Humboldt Union*, July 15, 1876; *War of the Rebellion*, 1st ser., 3 (1881):490.

41. Wattles to Dole, 559–62; *Emporia News*, September 21 and 28, 1861; Ponziglione, "Osage Mission During the Civil War, From the Diary of Rev. Paul M. Ponziglione, S.J.," 226–27; Case, *History of Labette County*, 22–23; *War of the Rebellion*, 1st ser., 3 (1881):490; James G. Blunt, "General Blunt's Account of His Civil War Experiences," *Kansas Historical Quarterly* 1 (May 1932): 214; "Articles [of] Agreement between Wm. Blythe and Chrispon [Christopher] Hurst," *Cherokee Nation Papers*, 46:6546; "Memorandum of the Property of the Estate of William Blythe, Sen., De'cd," 45:6428; "Authority to Stand Watie from Jas. C. Blythe & William Blythe, Jr., April 29, 1854," 4628.



Union army Lieutenant Colonel James G. Blunt ordered the arrest of the entire adult male population in the Chetopa area and charged them with aiding the enemy. Here Mavis Sramek of Chetopa depicts the proceedings of the brief military trial, presided over by Blunt (at desk on left), based on the recollections of Dr. George Lisle, the principle defendant in the court martial.

the brush" to escape arrest, was ransacked by the soldiers. Blunt also took Walker's wife, six children, livestock, and "everything he [Walker] had back to Fort Scott." In addition, Blunt destroyed Larkin McGhee's trading post. This action prompted some Kansas Cherokees to leave the state. Contrary to Blunt's apparent intention, which was to subdue pro-Southern sentiments, the Union raid led other resident tribal members to enlist in the Confederate army. This included Walker, who left Chetopa to enlist in Watie's Confederate Cherokee regiment, and McGhee, who returned to his native Georgia and enlisted in the Forty-sixth Georgia Infantry, after moving his family a few miles further up the Neosho River, near John Mathews's home.<sup>42</sup>

42. Case, *History of Labette County*, 23; Walker interview, *Indian-Pioneer History Collection*, 48:292; Craig County Heritage Association, *The Story of Craig County: Its People and Places* (Vinita, Okla.: Craig County Heritage Association, 1984), 483; "First Cherokee Mounted Volunteers, L-Y," *Confederate Cherokee Service Records*, M258, roll 80, 1358; "Forty-sixth Infantry, M-O," *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of Georgia*, M266, roll 481, 1198, National Archives.

Any hope that Blunt's action at Chetopa would discourage future Confederate activity in southeastern Kansas was dashed on October 14, 1861, when Confederate raiders once again sacked Humboldt, nearly destroying the town. In the autumn of 1861 Confederate activity on the Cherokee and Osage lands of Kansas also increased, lasting throughout 1862. Commenting later on this increased Confederate activity, Evan Jones, a missionary to the Cherokees, wrote that "the comrades of those who plundered and burnt Humboldt" were making travel extremely dangerous in the "country comprising the Neutral Land[s], and the Neosho Valley." In recognition of this fact, in 1862 Blunt declared that the area encompassing Chetopa and the southern Neutral Lands was enemy country under the control of Confederate sympathizers.<sup>43</sup>

43. *War of the Rebellion*, 2nd ser., 1 (1894):135; *War of the Rebellion*, 1st ser., 13 (1885):671-72; Evan Jones to W. P. Dole, October 31, 1861, Letters Received by the Office of Indian Affairs, 1824-1881, Southern Superintendency, 1851-1871, 1857-1862, M234, roll 834, 1012-15; Norbert R. Mahnken, "Old Baptist Mission and Evan Jones," *Chronicles of Oklahoma* 67 (Summer 1989) 2:189; William Whites Graves, *Annals of Osage Mission* (St. Paul, Kans.: W. W. Graves, 1935), 45.



Blunt's pronouncement gave the Union army a pretext for taking additional aggressive action against the Kansas Cherokees and for clearing those who remained from the state. His dictum also matched the efforts of some in the state to seize the Neutral Lands from the Cherokees, and corresponded with the broader Northern military interests in the region. In March 1862 resolutions from the Kansas legislature were delivered to the U.S. Congress, asking the federal government to open the Neutral Lands for white settlement. Also in March the North won an important military victory at Elkhorn Tavern (Pea Ridge), Arkansas, after which the Union army felt secure enough to build a supply post on the Spring River at the site of present Baxter Springs, Kansas. The post not only served as a way station along the military road that ran south from Fort Scott into Indian Territory, it supported Northern efforts to establish a permanent presence on the Neutral Lands. Since the post was located near the Spring River-Shoal Creek Cherokee settlements, the Union army forced the removal of the remaining Indian settlers in the area. After having already lost much of their livestock and property to marauders, this removal was the final blow that spelled the end of the once thriving Cherokee settlements on the southeastern Neutral Lands. Although they endured raids from both Union and Confederate guerrillas, most Neutral Lands Cherokees remained firmly pro-Confederate. The slave owner Harlan, in particular, encouraged his friends in the Northern army to desert, believing that "if the Union wins, we [Cherokees] won't have anything left."<sup>44</sup>

This forcibly removed group of Cherokees was only the first contingent compelled to leave their Kansas homes. Not allowed to relocate elsewhere on Cherokee land in the state, at least thirty of the Spring River-Shoal Creek exiles, including members of the Blythe, Harlan, Kendle, Lane, and Rogers families, were taken to a refugee camp near Le Roy, Coffey County, Kansas. There they lived with a group of Creek and Chickasaw refugees from Indian Territory. The camp was also in the shadow of a Union army training camp, which housed Cherokee, Creek, and Seminole Union army recruits. The decline of the Southern Cherokees in southeastern Kansas was further exacerbated by the departure of the remaining elements of Watie's regiment

44. Roy Gittinger, *The Formation of the State of Oklahoma (1803-1906)* (Berkeley: University of California Press, 1917), 67; *Congressional Globe*, 37th Cong., 2nd sess., 1862, 1331; Ware, "The Neutral Lands," 150-51; Mrs. James interview, and Hillen (nee) Lane interview, in *Indian-Pioneer History Collection*, 5:402-3; 62:103; Allison, *History of Cherokee County*, 38; Stone, "The Lead and Zinc Field of Kansas," 244.

MEMORANDA.	
Refugee Cherokees between Le Roy and Big Creek.	
Widow Blythe	10
Ellis "	5
Mrs. Shamblin	4
Martin Berry	4
J. B. Hitchcock	6
Angly Green	4
John Blythe	8
Heiliard Rogers	4
Napoleon Martin	4
Mrs. Mires	7
Mrs. Clark	4
William Hindol	4

An entry from the diary of Isaac Brown Hitchcock lists some of the Neutral Lands Cherokee families forcibly removed from their Kansas homes beginning in March 1862 (courtesy of NSU Archives, Northeastern State University, Tahlequah, Oklahoma). This group of Cherokees was only the first contingent to be compelled to leave Kansas. Not allowed to relocate elsewhere on Cherokee land in the state, at least thirty of the Spring River-Shoal Creek exiles were taken to a refugee camp near Le Roy, Coffey County, Kansas.

from the Neutral Lands in March 1862, followed in June by a Northern army invasion of the Cherokee Nation in Indian Territory. Subsequent Union military successes in Indian Territory during the summer of 1862 included the capture of the Cherokee capitol at Tahlequah. The Indian Territory invasion also resulted in many pro-Union Cherokees seeking an escape from the war by taking refuge in Kansas. Under the protection of Union army posts at Baxter Springs and Fort Scott, two of the largest Cherokee refugee camps were established on the Neutral Lands in the vicinities of Spring River and Drywood.<sup>45</sup>

As 1862 drew to a close the only remaining pocket of Southern Cherokees in Kansas was found in the Chetopa area, including the adjacent southwestern Neutral Lands. Recognizing this, in late 1863 General Thomas Ewing, the ranking Union army commander along the Kansas-Missouri border, directed that action be taken against these remaining Kansas Cherokees. As part of the redeployment of the Fourteenth Kansas Volunteer Cavalry from Fort Scott to Fort Smith, in November 1863 Major Charles Willetts and his company were diverted onto the southwestern Neutral Lands, and on November 19 Willetts ordered an attack on Chetopa. Following the raid it was reported that “the Northern soldiers had burned all the houses and even the town of Chetopa was completely burned, on the grounds that it was Indian property and the Indians had rebelled against the government.” At least forty homes in the area were completely razed, but not all the destroyed and damaged property belonged to Confederates. For example, the homes of two of the original Powhattan Agricultural Association members, Dr. George Lisle and George Ewers, were destroyed. As a result, Lisle temporarily moved north to Council Grove, and Ewers, who had become a member of the Cherokee Nation by marriage, moved his family south to Coody’s Bluff, Indian Territory. In addition, Willetts arrested members of the Cherokee Nation, including James D. Childers, a white Unionist living

on the southwestern Neutral Lands, because he had a Cherokee wife and children. Childers was subsequently robbed and murdered by Union soldiers.<sup>46</sup>

The 1863 campaign eliminated the last pocket of Cherokee support for the South in Kansas. The federal army’s destruction of Chetopa and nearby Cherokee property was probably designed to discourage the return of any Kansas tribal members escaping deportation. By the time the conflict ended in 1865, the wartime desolation experienced by the tribe’s members in Kansas had also engulfed the entire Cherokee Nation in Indian Territory, leaving the countryside and population devastated. In addition, some families of the Kansas Cherokees had to cope with the deaths of fathers and husbands who had served in Confederate military service. Confederate Cherokee soldier John McMurtry of Chetopa, for example, was killed in action in late 1862.<sup>47</sup>

Most tribal members who returned to their Kansas homes after the war’s end remained there for no more than three years. Cherokee families known to have returned include those of James W. Fields, Christopher Hurst, Larkin McGhee, Lewis Rogers, George Washington Walker, and Henry Wolf. The returning Cherokees found their friends and family members scattered, and their property in ruins. They experienced many of the same hardships that fell upon other Southern civilians and veterans following the war. For example, Confederate army veteran Larkin McGhee returned to Kansas to find that his house and trading post had been destroyed. Disheartened, he left the state to build a new life in Indian Territory. Walker, another Confederate veteran, returned to find his wife and children living in exile at Fort Scott. When Walker, who was still wearing his Confederate army uniform, first approached his children, they ran away because “they had been taught to fear a Southern soldier” while at the fort. Once reunited Walker took his family back to their home near Chetopa, and “started all over again.” Walker and most other Chero-

45. *War of the Rebellion*, 1st ser., 13 (1885):418–19; Isaac Brown Hitchcock, “Refugee Cherokees between Leroy and Big Creek,” *Diary of Isaac Brown Hitchcock*, 1863, Hitchcock Collection, NSU Archives; Moulton, *The Papers of Chief John Ross*, 2:561; Jenetta Tiger, interview by George Rufus, April 8, 1937, in *Indian-Pioneer History Collection*, 103:317; *Report of the Commissioner of Indian Affairs for the Year 1862* (Washington, D.C.: Government Printing Office, 1863), 141; Burns, *Osage Mission Baptisms*, 18; Gaines, *The Confederate Cherokees*, 108; McLoughlin, *After the Trail of Tears*, 203–5; Wiley Britton, *The Union Indian Brigade in the Civil War* (Kansas City, Miss.: F. Hudson Pub., 1922), 62; *Report of the Commissioner of Indian Affairs for the Year 1863* (Washington, D.C.: Government Printing Office, 1864), 175.

46. W. S. Burke, *Official Military History of Kansas Regiments During the War for the Suppression of the Great Rebellion* (Leavenworth, Kans.: W. S. Burke, 1870), 374; Cutler and Andreas, *History of the State of Kansas*, 1473; Case, *History of Labette County*, 28–29; (Ewers) Harlow interview, *Indian-Pioneer History Collection*, 80:332. Charles Willetts was promoted from captain to major on November 12, 1863, one week before he ordered Chetopa burned. See *Report of the Adjutant General of the State of Kansas, 1861–65* (Topeka: Kansas State Printing Co., J. K. Hudson, State Printer, 1896), 476.

47. Thornton, *The Cherokees*, 94; *Confederate Cherokee Service Records*, M258, roll 90, 611.



kee returnees, however, eventually left Kansas to start new lives in Indian Territory.<sup>48</sup>

The postwar hardships experienced by the Kansas Cherokees were only part of the reason they moved from the state. Some Cherokees left as a result of postwar actions that were part of a broad political realignment of relations between the Confederate tribes and the U.S. government. Although not all Cherokees sided with the South in the conflict, many in the North wanted to punish the Cherokees and other Confederate treaty tribes by replacing much of their prewar sovereignty with a territorial form of government. By the time the federal government took action to bring the wayward tribes into submission, however, more conciliatory voices prevailed and new treaties were signed in 1866. These new accords respected many of the sovereignty concerns of the Indians, but they also included land cessions and authorized certain rights-of-way for railroads.<sup>49</sup>

For the Cherokee Nation, the cost of siding with the South included their being forced to allow other Indians to settle on some of their lands. Desire to punish the Cherokee for their wartime allegiances also aided the efforts of elements within the state and elsewhere looking for reasons to take the tribe's Kansas land holdings. Succumbing to pressures from the white Neutral Lands squatters and the railroad industry's rights-of-way interests in the region, the Cherokee Nation ceded the Neutral Lands and Kansas Cherokee Strip to the U.S. government in 1866. This action, however, did not result in the immediate departure of all remaining Cherokees from the state. It was not until 1868 that most of the remaining tribal members decided to relocate to Indian Territory, largely due to two, somewhat related, actions. First, the Cherokee Nation sent an agent to Kansas for the purpose of inviting its citizens still living on the state's recently ceded tribal lands to resettle in Indian Territory. Second, the Missouri River, Fort Scott & Gulf Railroad acquired the Neutral Lands from James F. Joy, a railroad man who had purchased the area from the U.S. government after the war. This event made it clear to any Cherokees remaining on the Neutral Lands that they had lost their legal land claims.

Although the Joy purchase became one of the final acts to cause the complete expulsion of the Kansas Cherokees,

48. (Ewers) Harlow interview, Walker interview, and Sylvester R. Hurst, interview by James R. Carseloway, February 18, 1938, in *Indian-Pioneer History Collection*, 80:331; 48:292–93; 85:376–77.

49. Prucha, *American Indian Treaties*, 264–67.

this action was not the end of the controversy surrounding the tribe's brief ownership of the area. Indeed, the white Neutral Lands settlers, who began referring to the area as the Joy Lands, soon realized that they would be expected to purchase their existing claims from the railroad. In response the whites angrily replied that they already owned their land under preemption laws, arguing that the Cherokee had legally lost all rights to their Kansas lands before the Joy purchase because of the Confederate treaty and rebellion of many of the tribe's citizens. Despite some congressional support and a lawsuit disputing the legality of Joy's acquisition, the settlers lost their challenge in 1872 when the Supreme Court ruled in favor of Joy's title.

For the former Kansas Cherokees the court ruling must have been bittersweet. Although the white Neutral Lands settlers ended up losing their settlement claims in the 1872 ruling, the Kansas Cherokees had now finally and officially lost their homes in the state.<sup>50</sup> The close of the Neutral Lands controversy signified more than the final departure of the Cherokees from Kansas, and more than the completion of the transfer of the tribe's Kansas lands to the railroad monopolies and whites. This was the end of more than three decades of Cherokee heritage in Kansas. The once vibrant Cherokee homesteads in the Neosho River valley south and east of Chetopa were gone, as were the tribe's once sprawling farms, orchards, and cabins in the Spring River valley, along Shoal Creek, and near Brushville. The wartime destruction of Chetopa and the loss of Cherokee commerce in the area also guaranteed a different future for that community. By the early 1900s, little physical evidence of the Cherokee Nation's former presence in the state of Kansas could be found, aside from a few tribal markers and family graveyards.<sup>51</sup> [KH]

50. Ibid., 267; Andrew Denson, *Demanding the Cherokee Nation: Indian Autonomy and American Culture, 1830–1900* (Lincoln: University of Nebraska Press, 2004), 175–76; “Robbin Smith to [Lewis Downing], February 23, 1868,” *Cherokee Nation Papers*, 22:2264; *Treaties Between the United States of America and the Cherokee Nation, From 1785* (Tahlequah, C.N.: National Printing Office, 1870), 129; Rainey, *The Cherokee Strip*, 41; U.S. House, *Cherokee Neutral Lands in Kansas, Minority Report*, 41st Cong., 3rd sess., January 13, 1871, H. Rept. 12; C. W. Goodlander, *Memoirs and Recollections of C. W. Goodlander of the Early Days of Fort Scott* (Fort Scott, Kans.: Monitor Printing Co., 1900), 121; Miner and Unrau, *The End of Indian Kansas*, 118–19; Cutler and Andreas, *History of the State of Kansas*, 1150. Only a few Cherokees and their descendants remained in Kansas after the Nation ceded its tribal lands in the state. For example, see “Martha J. Fields,” application 13191, M1104, roll 130, and “William L. Harlan,” application 24545, M1104, roll 206, Eastern Cherokee Applications. Any tribal member choosing to remain in Kansas after the tribe's land holdings in the state were lost ran the risk of losing their Cherokee citizenship.

51. For example, in the early 1900s a Cherokee graveyard that had once belonged to the Mongrain family could still be found on a farm in Cherokee County, Kansas. See Allison, *History of Cherokee County*, 461.

